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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
FRIDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-SEVEN.**

VOLUME 3.

PROPERTY OF THE STATE OF KENTUCKY.

**FRANKFORT, KY.
THE CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.
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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON FRIDAY, THE THIRTIETH DAY OF DECEMBER, EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

S. B. BUCKNER, *Governor.*
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*
BEN. JOHNSON, *Speaker House of Representatives.*
GEO. M. ADAMS, *Secretary of State.*
P. W. HARDIN, *Attorney-General.*

CHAPTER 1002.

AN ACT to incorporate the People's Lighting and Fuel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. M. Duncan, J. E. Keller, M. Keller, Incorporators. John Ready and W. L. Bransford, their associates, successors and assigns, be, and they are hereby, incorporated and created a body-politic, by the name of the People's Lighting and Fuel Company, of Lexington; and shall by such name have perpetual succession, with power to sue and be sued, contract and be contracted with, including the right to purchase,

hold, sell and convey real estate ; to have and use a common seal, and change and alter the same at pleasure, and generally do and perform all things necessary to be done and performed in the conduct of its business hereinafter set forth ; to ordain and put in execution such by-laws, rules and regulations, for the government of its affairs as may be deemed expedient and proper ; and the same may be amended or altered, at any regular or called meeting, by a majority of stock, after a motion to that end shall have been entered at any regular or called meeting held not less than thirty days previous. *Provided*, Such by-laws, rules and regulations, shall not be inconsistent with the Constitution and laws of this State or of the United States.

Capital stock.

§ 2. The capital stock of the company shall be fixed by the corporation, but shall not exceed five hundred thousand dollars, and shall be divided into shares of not more than one hundred dollars each. The stock shall be transferable on the books of the company according to the by-laws ; but the company shall hold a lien upon the shares of any stockholder who may be indebted to it, and such shares shall not be transferable without the consent of the president and directors first had, or until said debt shall have been paid or discharged.

Directors.

§ 3. The corporation shall be governed by a board of five directors, which number may be increased to nine. The directors shall be elected annually by the stockholders from their number, on the first Monday in January of each year, and shall hold their office until their successors are duly elected and qualified. The directors shall elect from their number a president and vice-president, and may elect a secretary and treasurer, who shall be stockholders in said company, and may appoint such other officers and agents as may be necessary for the proper conduct of the business and affairs of the company, and may fix their compensation ; and may receive bond of any or all of

them for the faithful performance of their respective duties. The incorporators above named shall act as directors until a board shall be regularly elected and qualified.

§ 4. Each one hundred dollars of stock in said company, whether in one or more shares, shall entitle the holder or holders thereof to one vote, in person or by written proxy, in all elections for officers and all meetings of said company for any purpose.

§ 5. Said corporation is hereby authorized to create Issue bonds. an indebtedness in such amount as the stockholders may order, and may issue its bonds therefor, secured by lien or mortgage upon its property rights or upon all thereof.

§ 6. The business of said company is limited to Business. manufacturing, furnishing and supplying the city of Lexington and its inhabitants, and persons and corporations located in or near said city, with coal, water, or other gas for lighting, heating or other purposes, and may charge therefor such price and compensation as may be agreed upon between said company and the individuals or corporations contracting with it. It may supply such gas to its stockholders alone, if it shall so desire, at cost, or at such price as may be decided upon by its board of directors, or may so furnish or supply the same to either or all.

§ 7. Said corporation is authorized, subject to the City authority. same regulations and restrictions imposed by the city authorities of Lexington upon other similar companies in said city, to lay its pipes, mains and conduits under the streets, alleys and highways of said city and adjacent thereto: *Provided*, It shall in no way permanently obstruct the use of the same to the public or any individual; and it is hereby required to place in repair any street or highway under which it may lay its lines of pipes or mains; but it may temporarily obstruct same in laying or repairing its pipes.

§ 8. Work under this act shall be commenced in

two years, and the works put into operation within five years from the passage of this act.

§ 9. This act shall take effect and be in force from and after its passage.

BEN. JOHNSON,
Speaker of the House of Representatives.

JAMES W. BRYAN,
Speaker of the Senate.

Approved April 12, 1888.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS, *Secretary of State.*

CHAPTER 1003.

AN ACT to incorporate the Henderson Belt Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Shelby, W. J. Marshall, John H. Hodge, S. K. Sneed, Jas. R. Barret, F. H. Frayser, Jno. A. Lyne, Malcolm Yeaman, E. G. Sebree, Jr., and R. C. Soaper, and their associates and successors, be, and they are hereby, created a body-corporate, under the name and style of the "Henderson Belt Railroad Company," with perpetual succession; with power to contract, sue and be sued; to have and use a seal; to acquire, hold and convey property, and to have, exercise and enjoy all other rights and privileges incident to like corporations.

§ 2. Said company shall have power to construct, maintain, use and operate a railroad, with single or double track, of such gauge as the company may determine, and with all necessary or convenient branches, switches, side-tracks, turn-outs and depots as may be necessary for its purposes; commencing at some point at or near Fourth street, or said road may

begin at or near the present junction of the Ohio Valley Railroad and Louisville and Nashville Railroad, and run thence over the route herein first described to the beginning point herein first mentioned. But it is especially provided herein that said railroad company shall not construct its track or operate its road in the limits of the city of Henderson, except by permission of the common council of the city of Henderson, and such terms as said common council may prescribe in the city of Henderson, and running thence towards the lower or southern boundary of said city to such point or points as said company may from time to time determine, and run thence near the boundary of said city until said road shall strike the Ohio river above the said city: *Provided, however,* That no point upon said road shall extend further than five miles beyond, or outside of, the corporate limits of the city of Henderson.

§ 3. The affairs of said company shall be managed Management. and controlled by a board of not less than five and not more than nine directors, to be elected annually by the stockholders, at such time and place and in such manner as may be fixed by the by-laws of said company. But the corporators named in the first section of this act shall constitute the board of directors until their successors are chosen by the stockholders. A majority of any board shall constitute a quorum. The said board shall annually elect one of their number president of said company, and may from time to time elect and employ such other officers, agents and servants as shall be necessary to transact the business of said company. The said directors may adopt, and from time to time alter, amend and add to by-laws for the government of the business of said company, fix rates of charges, and do whatever else may be necessary for the successful conduct of the business of the company, not inconsistent with law.

§ 4. The amount of capital stock of said company Capital stock. may be fixed and determined by the board of directors

at such sum as in their judgment may be necessary to construct and equip said road ; but said capital stock shall at no time exceed the sum of five hundred thousand (\$500,000) dollars. Said stock shall be divided into shares of fifty (\$50) dollars each, and shall be held to be personal property, but subject to transfer only in such manner as may be provided by the by-laws of the company.

§ 5. The said company may acquire, by purchase or otherwise, real estate for its road, branches, switches, side-tracks, turn-outs and depots, and other legitimate uses, and material for its construction and maintenance ; and if the said real estate and material can not, for any reason, be acquired by contract, the same may be taken and condemned by the uses of said company in the manner provided by an act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11, 1882, which act is to be taken and considered as a part of this act.

Telegraph and
telephone.

§ 6. The said company may construct and operate, for its own business, telegraph or telephone lines along the lines of its road. It may borrow money and create debts, or issue its bonds, bearing interest at not exceeding six per centum per annum, payable at such times and places as the company may deem best ; and may execute mortgage or deeds of trust upon all of its property, rights and franchises, to secure any such debt or bonds.

Not obstruct
streets.

§ 7. The road of said company may cross any street, highway or stream, but not so as to impair or obstruct any such street, highway or stream. But the roads of said company shall not occupy, longitudinally, any street in the city of Henderson without the consent of the said city, nor any highway in the county of Henderson without the consent of the county court of said county.

Subscriptions.

§ 8. The corporators herein named may open books and receive subscriptions to the capital stock of said

company ; and whenever, in their judgment, a sufficient amount has been subscribed, they may call a meeting of said subscribers for the transaction of such business as may be necessary to perfect the organization of the company and the advancement of its enterprise.

§ 9. The said company may enter into such contracts as its board of directors may deem advisable.

§ 10. This act shall be in force from its passage.

Approved April 12, 1888.

CHAPTER 1004.

AN ACT to amend the charter of the Passenger and Belt Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said company may let for hire the use of its line of roadway to other railway companies for the purpose of moving and shifting and transferring their trains and cars from their roads to the roads of other companies ; it may let the use of its tracks to other railway companies in the general course of transferring and exchanging cars, passengers, freight, and trains. It may also run its own locomotives, and do such transferring of cars and trains for hire or toll, or let the privilege to other companies, of using its tracks to make such transfers and exchanges of cars and trains, freight and passengers, on its own line ; and in making and affording transfer and terminal facilities in and about the city of Lexington, it may run its own trains, and connect and run the same over the tracks of such other companies as it may contract with for that purpose. Said company may do and perform all lawful duties and things necessary to enable it to afford all needful, proper and convenient terminal facilities to all the railroads enter-

ing into or centering at or about Lexington, or such of them as it may contract with. It may run its belt line to connect the tracks of other roads, which belt line, wholly or partially encircling the city aforesaid, it may run out and into the county of Fayette to desired points, but not to a greater distance than three miles from the city limits.

§ 2. Said company may erect, maintain and operate, at a convenient location, a union depot, the uses of which may be let to other railway companies as a terminal point for such railways as it may contract with for that end, as a place for the departure and arrival of trains of cars, reception and shipping of freights. In connection with such depot, and as a part of it, it may conduct all the dining and refreshment rooms and stands, news stands, baggage and freight and transfer offices, and other departments usual and necessary to a railway depot.

§ 3. The bonds of said company may be indorsed, and the payment of the principal and interest, or any part thereof, guaranteed by any other railway company or companies so under contract; dividends on the stock may be guaranteed by other corporations.

§ 4. This act shall take effect and be in force from and after the passage of this act.

Approved April 12, 1888.

CHAPTER 1005.

AN ACT to incorporate the Eminence Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That D. A. Sachs, N. W. Gould, J. W. Casseldine, W. P. Thorne, L. B. Helburn, James T. Williams, L. Drane, W. L. Crabb, J. A. Crabb, and Samuel Booker, and their associates and successors, are hereby created a body-corporate and politic, in

Incorporators.

the town of Eminence, Henry county, by the name and style of the Henry county Safety Vault and Trust Company; in which name it may sue and be sued, plead, answer and defend, in any court or place whatever, in all respects as a natural person; and may have a common seal, and may change the same at pleasure.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and any two or more of the incorporators may open books and receive subscriptions to the capital stock of said company; and when the full amount of the stock has been subscribed, the incorporators shall call a meeting of the subscribers to the stock, to be held on a day named in the notice of said call, and at some place in the town of Eminence, for the purpose of organizing said company and electing a board of not less than five nor more than nine directors, who shall hold their office for one year, or until their successors are elected and have qualified. Said directors shall elect one of their number president, and may also elect or appoint a secretary and manager, and such other agents and employes as they may deem necessary for the proper conduct of the business of the company; and as soon as twelve thousand five hundred dollars of the capital has been paid in, the company may begin business.

Capital stock.

Meeting of subscribers.

§ 3. Said company may own, use and enjoy such real estate, goods and chattels, as may be necessary for the transaction of its business, and may sell and convey the same; and the board of directors may, from time to time, enact such by-laws and rules for the government and control of its officers and business as they may deem best, not in conflict with the Constitution and laws of this State or of the United States.

Property

§ 4. Said company may be appointed and may act as guardian of infants, as executor or administrator, or committee of lunatics or idiots, as receiver, assignee or other trustee, whether appointed by deed, by last

Guardian, &c.

will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust real and personal estate, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association, municipality, State or public authority, and may receive and manage any sinking fund therefor; and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall keep its business of a fiduciary character in separate and special books.

Duties and responsibilities.

§ 5. In the exercise by said corporation of the powers herein authorized as guardian, executor, administrator, committee of idiots or lunatics, or of any office or duty imposed by a court, said corporation shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices of trust, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said corporation, may be, as to compensation and otherwise, matters of contract with the parties interested.

Capital stock.

§ 6. The capital stock of said corporation shall be taken and considered as the only security required by law for the faithful performance of its duties; and other security shall not be required, upon its ap-

pointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest. Said capital shall also be taken and accepted as the only surety or security required by law on any bond or bonds required, or necessary to be executed by said corporation as guardian, committee of person or persons of unsound mind, and idiots, in proceedings to sell the real property of persons under disability, as provided by the Civil Code of Practice, title 10, chapter 14; or upon any other bond or bonds required, or necessary to be executed by said corporation as guardian, trustee, committee or otherwise, or upon any bond of indemnity, or other bond or bonds that may be required of said corporation in the course of any judicial proceedings, or in the prosecution of any remedy allowed by law to it in any of its fiducial capacities.

§ 7. Said corporation may purchase, rent or erect a Safety vault. building containing a commodious and strong safety vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such times as may be agreed upon between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

§ 8. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it.

§ 9. This act shall take effect and be in force from its passage.

Approved April 12, 1888.

CHAPTER 1006.

AN ACT to amend an act incorporating the town of Curdsville, in Daviess county, Kentucky, approved February 1, 1868, and all acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Amendment. § 1. That an act incorporating the town of Curdsville, in Daviess county, Kentucky, approved February 1, 1868, and all acts since said time amending said charter, be, and the same are, amended as follows :
Streets. That section 5 of the old charter be stricken out, and in lieu thereof be it enacted that no street or alley shall be made or extended unless the owner of the land consent, in writing, to such opening or extension, unless the land proposed to be taken for said street or alley shall have been purchased from the owner or donated ; and if the board of trustees of said town and the owner of the land can not agree upon a fair compensation for the land to be used for said street or alley, said board shall appoint three disinterested persons, not akin to the parties owning the land, who are housekeepers of this Commonwealth and are real estate owners, residents of said town, who shall be sworn to faithfully discharge their duty. It shall be their duty to hear evidence offered by either party, and they shall go upon the land proposed to be taken, and fix a just compensation to the owner thereof, and report the same in writing to the board of trustees, and if said board approve said finding and are willing to pay said sum, and shall tender the money to the owner or owners of said land, said board shall establish said street or alley, and cause the same to be opened : *Provided*, That the owner of the land proposed to be taken shall have the right to demand that the value of the property shall be assessed by a jury, and from the finding of the three commissioners appointed by the board or the jury,

either party shall have the right to appeal to the Daviess circuit court.

§ 2. That section 1 of the act approved March 25, 1872, be amended as follows: That after the words "said owner, the property being subject to the debt," there be inserted the following words, to-wit: That the cost and expenses of making said improvement shall be a tax on the lot-owner, and due and payable to the town thirty days after said work shall have been done and received; and shall be collected and accounted for by the tax collector of said town as other taxes are collected and accounted for; and the board of trustees shall ascertain by ordinance how much is payable by each lot-owner, and the sums for which a lien is held upon each lot, and place a copy of said ordinance in the hand of the collector, who, if it is not paid when due, shall proceed to levy and collect the same in the same manner as the other town taxes are collected; and if he shall not find personal property belonging to the person owning it to pay taxes, he may proceed, after advertising the same, to sell said lot or lots, or so much as will pay the amount due thereon, to the highest bidder for cash in hand, the sale to be made at the court-house door on the first Monday of a county or circuit court for said county. At said sale the town of Curdsville shall have the right to bid. The collector selling said property shall give to the person buying same at said sale a certificate of his purchase, which shall be recorded by the clerk of the board of trustees. The person or persons whose property shall be sold for taxes shall have the right to redeem the same by paying the purchase the original bid and twenty-five per cent. thereon within one year from the date of sale. If not redeemed within one year, as herein provided, the clerk of said board of trustees shall give to the purchaser a certificate of his purchase, and that it has not been redeemed; and said purchaser shall have the same right to recover possession of the property sold

as is now given to purchasers of land under execution, and the recovery shall be had in the same manner.

Assessor.

§ 3. Said board of trustees shall have the power to appoint annually an assessor, who shall be sworn to faithfully and impartially discharge the duties of his office; and it shall be his duty to make out and furnish to said board of trustees, at such time as they may direct, a list of all the taxable property of each individual in said town, with a list of all the property owned by them, together with the fair cash value of the property owned by such individual; also a list of all the tithes in said town. He will also list all property found in said town subject to taxation at its fair cash value, whose owners do not reside therein. Said lists to be made of all property owned in said town as of a date to be fixed by the order of the board of trustees of said town.

Collector.

§ 4. Said board shall also have power to appoint annually a collector to collect the taxes assessed in said town, and said collector shall, before proceeding to act, be sworn faithfully to discharge his duties as such, and shall give bond, with approved security, to be approved by the board and filed and recorded in the record book of said town; and he and his sureties shall be liable on said bond to the town for all moneys that may come to his hands by reason of his office, and for the amount of taxes placed in his hands for collection, to be recovered by suit in the name of the town in any court in this Commonwealth having jurisdiction of the amount sued for. Said collector shall have all the power in collection of said tax by levy, distress, sale or otherwise that is by law given to sheriffs in the collection of State tax and the county levy. Said trustees may, if they so desire, appoint the town marshal tax collector for said town. Said collector shall collect and pay over to the treasurer of said town, or to any person appointed by the board of trustees, all taxes or dues or demands owing by any one to said town placed in his hands for collection, by such

time as the board of trustees may, by ordinance, direct; and he shall be responsible for all taxes, demands or dues placed in his hands for collection, except such delinquents as the board of trustees may allow him; and the board of trustees, if they so desire, may appoint the town marshal collector, in which case he must execute bond as required of the collector, and be under the same duties and responsibilities.

§ 5. Said board of trustees shall have the power to ^{Salaries.} fix the salaries of the chairman, collector, assessor, and all other officers provided for in the charter or its amendments.

§ 6. That said board of trustees shall have the power ^{Stock running at large.} to prohibit and to regulate the running at large of horses, cattle, hogs, and other animals in said town, and to authorize the distraining, impounding and sale of same for the penalty imposed therefor, together with the costs of proceeding; and to prohibit and regulate the running at large of dogs, and to authorize the killing of same when at large contrary to the ordinances of said town, and to impose a tax, not exceeding two dollars and fifty cents, on each dog, and to provide for the collection of the same; and for the purpose of carrying out this section, they may make and pass ordinances fixing penalties, not exceeding ten dollars.

§ 7. That board of trustees shall have the power to ^{Poll-tax.} levy a poll-tax, not exceeding three dollars, on every tithe in said town.

§ 8. That in lieu of the ad valorem tax, the board ^{Special tax.} of trustees shall have the right to charge and collect a special tax of twenty-five cents on each hogshead of tobacco put up in said town, which shall be collected as other taxes are collected.

§ 9. That the west line of said town shall be extended west about three hundred yards, to the Gilmore and A. McCain's corner; thence with said line.

to Delaware road; thence with Delaware road to intersect the old line; thence with the old line.

§ 10. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 11. This act to take effect from its passage.

Approved April 12, 1888.

CHAPTER 1007.

AN ACT to incorporate the Fern Creek and Seatonville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. H. Tyler, M. A. Malott, J. W. Jean, J. W. Wigginton, Dr. T. P. D. Pound, H. C. Mills and James Finley, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Fern Creek and Seatonville Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, have and use a common seal, and to change the same at pleasure, and to do all the acts which such bodies-corporate may do not inconsistent with general laws of this State or of the United States, and which may be necessary or fit to enable said corporation to execute the powers hereinafter granted.

§ 2. Said corporation is hereby authorized to construct a turnpike or macademized road, beginning at or near the terminus of the turnpike of the Louisville Turnpike Company, in Jefferson county, Kentucky, where said road joins the Bardstown and Louisville Turnpike Company's road; running thence in a south-eastwardly direction to or near the Porter farm; thence in an eastwardly direction to or near the county road running from Jeffersontown to Seatonville, known as the Funk Mill Road; thence in a south-eastwardly direction to Cedar Spring Church;

thence in an eastwardly direction to Seatonville—in all, a distance of about five miles.

§ 3. Said company shall elect a board of not less Directors. than seven directors, and keep a record of its proceedings, and may require a bond, in such sums as the board of directors may fix, of any of its officers, and may make and alter at pleasure its by-laws or rules for its government; but the incorporators hereinbefore named shall be and constitute a board of directors until the first Tuesday in April, 1889, and until their successors are elected and qualified. The said board shall have power to fill all vacancies in said board, and shall elect annually, at its first meeting after the first Tuesday in April, from its own board, a president, secretary and treasurer, whose term of office shall expire at the same time as that of the directors. Said board shall have entire charge and management of the business of said corporation.

§ 4. The board of directors shall fix and locate the Locate. route for the construction of said pike, prescribe the grade and the depth and width of the metal to be placed thereon, and mode and manner of constructing the same, and repairing the same when needful; may designate the place for toll-houses, acquire lands whereon to erect the same, fix the rates of toll, regulate and change the same; but such rates shall not exceed the rates fixed by the general law, and shall fix the width of said road. After two miles of said road shall have been completed, they shall have the right to erect a gate and charge proportional toll, and toll for the entire road when completed, and to charge toll for the distance traveled.

§ 5. The company shall have power to take and Right of way. receive the right of way over and through the lands where the said road may be located; and if, from any cause, the right of way and lands for toll-houses can not be procured by agreement, then the company

may take the same by condemnation proceedings, as provided by the law of this Commonwealth.

Enter upon land. § 6. It shall be lawful for the officers and employes of the company, for the purpose of constructing said road, to enter with their tools and appliances upon the lands over, adjacent or contiguous to which the intended road shall pass, first giving notice to the owners and occupants thereof. The said corporation may acquire the title to one acre of land adjacent to each mile of said road, in one or more parcels, for the purpose of obtaining materials for the making or repairing of said road.

Penalties. § 7. Any one willfully injuring the property of said road, in any manner, shall be liable to be fined not less than five nor more than twenty dollars for each offense.

Capital stock. § 8. The capital stock of said company shall be not less than five nor more than twenty-five thousand dollars, in shares of fifty dollars each, to be paid in at such times and in such manner as may be determined by the board of directors from time to time; and the said board of directors has full power to receive, in part or full payment of said stock, material furnished for and work done or performed in or about the construction of said road. Each share of said capital stock shall entitle the holder and owner thereof to one vote at all stockholders' meetings, and may be cast in person or by written proxy.

Elections. § 9. On the first Tuesday in April, 1889, and the first Tuesday in April of each and every year thereafter, shall be the annual meeting of the stockholders of said corporation, who shall at said times, or as soon thereafter as can be done, elect the said board of directors to serve until the succeeding first Tuesday in April, or until their successors are elected and qualified; and said board of directors shall elect and appoint all other officers, agents and servants of said corporation for the ensuing year.

§ 10. Said corporation may, by majority vote of Sell or transfer. said directors, consolidate with any other turnpike company, or sell, lease or transfer its said property to any other company, for the purpose of operating said road in connection therewith.

§ 11. The gate-keepers or their employes appointed, Toll. or put into toll-houses or other houses of said company, shall not thereby become tenants of said company, but shall only be occupants at the option of the president and directors of said company; nor shall they be entitled to any notice to deliver possession thereof to said corporation other than the order from the president notifying them of his or her dismissal; and they may be, after such notice, immediately proceeded against by writ of forcible detainer.

§ 12. The private property of the stockholders Private property shall not be liable for the debts of said corporation.

§ 13. Said company shall, within three years from Begin. the passage of this act, commence the construction of said road, and shall complete the same within five years thereafter.

§ 14. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1008.

AN ACT to establish a system of public graded schools in school district No. 2, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the public school for white children of pu- Management. pils age, residing within common school district No. 2, which embraces the city of Augusta, in Bracken county, shall hereafter be under the control and management of six trustees, to be elected by the qualified white voters of said district; and any white widow

or alien residing therein, who is a tax-payer therein, or who has a child or children to be educated within the ages of six and twenty years, shall be deemed a qualified voter under this act.

Name.

§ 2. That the trustees so elected shall constitute and be styled "The Board of Trustees of Augusta Graded Schools," and by that name be a body-corporate, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise, or otherwise, any real or personal property for public school purposes, sell and convey the same, and the title of such property acquired by said trustees shall vest in them and their successors in office forever.

Election.

§ 3. That said six trustees shall be first elected at the public school-house for white children in said school district, at an election on the first Saturday in June, A. D. 1888, to be held by officer appointed by the common school commissioner for Bracken county, between the hours of 1 o'clock, P. M., and 6 o'clock, P. M., of said day. Printed notices of the time, place and object of said election shall be posted by said commissioner in three or more conspicuous places in said school district for at least ten days prior to the day of said election.

Terms of office.

§ 4. That two of said trustees so elected shall hold their offices for one year from their election and until their successors are duly qualified; and two of said trustees shall hold their offices for two years from their election and until their successors are duly qualified; and two of said trustees shall hold their offices for three years from their election and until their successors are duly qualified, to be determined by lot by said board of trustees at their first meeting after said election; and an election shall be held each year after the first election on the first Saturday in June, between the hours aforesaid, for the purpose of electing two trustees to fill the places of the trustees going out of office; and the trustees so elected shall hold their offices for three years and until their suc

cessors are duly qualified. Said board of trustees shall, at their first meeting after each annual election, select from their number a chairman, and the person so selected shall hold the position of chairman of said board until the succeeding annual election of trustees, unless the position of chairman be sooner declared vacant by a majority of said board and another of their number selected chairman. The chairman shall preside over the deliberations of said board of trustees and give a casting vote in case of tie.

§ 5. After the first election, the board of trustees ^{Officers.} shall appoint the officers, and designate the place of holding all subsequent elections; but, in case they fail or refuse to discharge said duty until less than ten days before the holding of said elections, the said common school commissioner shall make such appointments and designate the place for holding such election. The officers of said elections shall consist of two judges, a clerk and sheriff, whose duties shall be similar to those of like officers under the general election laws of the State.

§ 6. That said trustees, before entering upon the ^{Oath.} discharge of their duties, shall take an oath before some officer authorized by law to administer oaths, to faithfully, honestly and impartially discharge the duties required of them under this act and the laws of this Commonwealth regulating common schools; and when the first board of trustees elected under this act have been thus qualified, the terms of office of the present trustees of said common school district shall expire.

§ 7. That no person shall be eligible to the office of ^{Eligibility.} trustee under this act unless he has been a continuous bona fide resident of said district for one year next preceding his election, and is a qualified voter as provided in section 1 of this act. A majority of said trus- ^{Quorum.} tees shall constitute a quorum to transact business; and they shall have power to fill vacancies in their board until their next regular election; to appoint

Officers.

a secretary, treasurer, assessor and collector, and to require and take bonds from the same, with approved security, for the faithful discharge by them of their duty ; to make all by-laws, rules and regulations, for the government of themselves, appointees, agents and teachers employed by them, and for the management, control, and government of public schools for white pupils in said district, and for the protection and preservation of the property of said school corporation. They shall cause to be kept a journal of all their official acts and proceedings, which shall be open at all times to the inspection of any citizen interested in said schools.

Teachers.

§ 8. That said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and regulate their salaries and compensation ; and may suspend or dismiss any teacher, or other appointee, whenever they, in their discretion, deem it for the best interests of said schools to do so ; but no teacher shall be employed in any public school for white pupils in said district by said board of trustees who has not received a certificate of qualification from county board of examiners of said county for examining teachers for common schools.

Rights and powers.

§ 9. That said board of trustees shall have the powers and rights, in addition to those expressly granted herein, and not inconsistent therewith, which pertain to trustees of common schools under the common school laws of this State. They shall make all enumerations and census reports or returns as may be required by law to the common school commissioner of said county, and shall have the right to receive and appropriate to the white public school or schools of said district the fund due, or to become due, from the State under the common school law to the white pupils of said district ; and it shall be the duty of said common school commissioner to pay the same to the treasurer of said board of trustees on its order, to be by him disbursed to the teachers of said public

school or schools as required by law. The said board of trustees shall have the power to regulate and determine the length of terms and sessions of said schools, and for what length of time—not, however, less than eight nor more than ten months—such schools shall be taught in each school-year, which year shall be held to begin on the first Monday in September in each year.

§ 10. That said board of trustees shall also regulate Terms and conditions. the terms and conditions on which other white pupils besides children of pupil age residing in said district, or who are over pupil age, in or out of said district, may become pupils in said schools; and all sums received for tuition from such pupils so admitted shall constitute a part of the school fund of said district for the benefit of white pupils.

§ 11. That said trustees, at the end of each school Publication. year, shall cause to be made out and published, in some newspaper in said city, if there be one, a report showing the condition and amount of property or funds belonging to said corporation, the amount and source of all the school funds received and disbursed for the school year, and such other facts and information regarding the said schools as they may deem necessary to publish for the advancement of public education.

§ 12. That said board of trustees shall have power tax to assess, levy and collect an annual tax upon the fair cash value of all the real and personal property owned by white persons, situated in or embraced by said district, including money and choses in action, owned by white persons residing therein, taxable under the equalization laws of this State, of not exceeding forty cents upon each one hundred dollars' worth of said property, money and choses in action so assessed, and a capitation tax of not exceeding two dollars upon each qualified white male voter in said district under this act. Said ad valorem and capitation tax shall be used and expended in

said district, under the orders and directions of said board of trustees, by its treasurer; shall be used only for the purpose of purchasing or renting school grounds and buildings, or erecting the same, and providing suitable furniture for the common school or schools of said district, paying the teachers, and paying the other necessary cost and expenses of conducting and carrying on said public schools, and the costs of having said taxes assessed and collected, in such manner and in such proportion as said board of trustees shall, in their discretion, deem necessary and proper to promote the welfare and prosperity of said public school or schools for the education of white pupils.

Assessor.

§ 13. That the assessor appointed by said board of trustees to assess the property, money and choses in action of said district, as provided by the last proceeding section of this act, shall take the same oaths, and shall have the same powers and duties, and be under the same responsibilities in making said assessment as county assessors under the general laws of this State; and he shall make said assessment, and make return thereof to said board of trustees, at such time as they may direct; and he shall receive a compensation for his services not exceeding ten cents for each list.

Supervisors.

§ 14. That upon the return of said assessment to said board of trustees the president of said board shall appoint three members of said board who shall constitute a board of supervisors in said district; they shall hold their meetings at the public school-house, or at some other convenient public place in said district; and their duties and powers in regard to said district assessment and tax shall be the same as those of county supervisors as provided in article 7, chapter 92, of the General Statutes, in regard to county assessments and tax, and they shall be under the same obligations; but no list shall be raised or increased or added until after

actual notice to the tax-payer interested, if he be a resident of said county, or if a non-resident, to his agent, if any, in said county, and a reasonable opportunity to be heard; and the action of said board of supervisors shall be final.

§ 15. The collector appointed by said board of trustees, in the collection of said local school tax, shall have the same powers and be under the same responsibilities as sheriffs in the collection of the State revenue. He shall have the same power to sell property for taxes as sheriffs now have in like cases; and for his compensation for collecting such ad valorem and capitation tax he shall be paid out of the funds so collected a commission of not exceeding five per cent. Collector.

§ 16. That before said board of trustees shall exercise the power to assess, levy or collect the ad valorem or capitation tax in this act provided for, there shall be submitted to the qualified white voters of said school district, as defined in the first section of this act, at the election to be held on the first Saturday in June, 1888, for the election of trustees for said school district, the proposition for assessing said tax; and if a majority of the qualified votes cast at said election upon said proposition be in the affirmative upon said proposition, the said board of trustees shall cause said tax to be assessed, levied and collected each year thereafter, or such proportion thereof as may, in their judgment, be necessary to carry out the provisions and intent of this act, not exceeding forty cents upon the one hundred dollars' worth of property, money and choses in action, and a capitation tax of not exceeding two dollars, as provided in the twelfth section of this act, in any one year. Vote.

§ 17. That property exempt from taxation under the revenue laws of this State shall be exempt from taxation under this act. Exemption.

§ 18. That if the proposition to assess, levy and Restriction.

collect the tax provided for in this act shall be decided in the affirmative by the vote provided for in section 16, then the said trustees shall not have the right or power to assess, levy or collect any other ad valorem or capitation tax for common school purposes except as provided in this act.

§ 19. That this act shall only apply to the public schools of said district for white pupils.

§ 20. That the capitation tax mentioned in section 12 of this act shall not apply to voters sixty years of age or over who do not pay an ad valorem tax.

§ 21. That this act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 1009.

AN ACT to authorize the county court of Warren county to subscribe stock in turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Warren county be,
 May take stock. and it is hereby, empowered to pay to any turnpike company which has been, or may hereafter be, incorporated by the county court of said county, or by the Legislature of the State of Kentucky, the sum of one thousand dollars towards the erection and completion of every mile of turnpike which may be made in said county, in manner and form, and upon the condition and subject to the limitations as hereinafter expressed: *Provided, however,* That if one thousand dollars shall exceed two-thirds of the cost of the erection and completion of any mile of turnpike built under the provisions of this act, said county court shall pay only two-thirds of the cost of the erection and completion of such mile.

§ 2. Said county court shall not pay or advance
 When pay. any money until the company making application therefor shall have completed one mile of well-con-

structed and durable turnpike road, of gravel or stone, as required by the plans and specifications of the Warren county court, made or hereafter made, for the purpose of regulating and controlling the building of pikes in said county, nor until said company shall have given in writing a statement showing that said company has ample means or private subscriptions on hand with which, and the amount per mile to be drawn from the county, to construct and put in operation at least three miles of turnpike road. Before paying such subscription the said court shall cause said road to be carefully examined.

§ 3. Upon the payment of the amount to be paid by Certificates of stock. the county upon each mile, the company to which it is paid shall issue a certificate of stock to the county of Warren for the amount so paid by her; and said county, acting through the county court, shall participate in the control and management, and share in the dividends of any such roads as any other stockholder.

§ 4 Said county court, in making payments and Not give preference. taking stock as hereinbefore provided, shall not give preference to any road over any other road which is in process of construction, or is in good faith proposed to be built; but in taking such stock shall be as nearly just to every portion of the county as possible; but in no event shall said county court pay towards, or said county be a stockholder in, the roads of said county, under the provisions of this act, beyond the sum of thirty thousand dollars, this sum being in addition to the amount already voted by said county.

§ 5. All proceedings touching subscription of stock Record. by said county shall be kept of record in the county court clerk's office, and the county court clerk shall keep a book in which shall be recorded the date and amount of each subscription of stock by the county of Warren, in what company, and when said subscription was made.

Dividends.

§ 6. All dividends received by the county of Warren, on the stock held by her in any turnpike company, shall be paid into the county treasury as of the county named.

Vote.

§ 7. Before said county court shall make any subscription of stock to any turnpike road company, as authorized by this act, said court shall submit to the qualified voters of Warren county the question whether or not the county of Warren shall subscribe stock in the turnpike companies in said county. Said question may be submitted as aforesaid at any time after at least twenty days' notice shall be given of said election; said notice to be given by publication for at least twenty days in some weekly newspaper published in Bowling Green, and also by printed posters displayed conspicuously in each of the voting precincts in Warren county. Said election shall be held in the same manner and by the same parties now authorized to conduct a general election in Warren county; and if a majority of those voting shall vote in favor of such subscription, then the county court shall make the payments and take the stock as herein provided. For the purpose of ascertaining the will of the people on said question, two columns shall be opened in each poll-book for each precinct in the county at said election, one headed "For turnpikes," and the other headed "Against turnpikes." Before such question is voted upon, said county court shall cause notices of the fact of such submission to the voters of Warren county for at least twenty days before said election, such notices to be published in posters and weekly newspapers.

Issue bonds.

§ 8. If the county court deem it best, it may, instead of paying the subscription herein authorized in money, pay the same in bonds of the county, to be issued in denominations of one hundred dollars and five hundred dollars, payable to bearer twenty years after date, redeemable at any time after five years from date, bearing five (5) per cent. interest from date,

and payable semi-annually January 1 and July 1 of each year, with coupons attached. Said bonds, if so issued, shall be sold at not less than par, or paid to the company in which the stock is taken at their face value. Said bonds or their proceeds shall be used in paying subscription to stock as herein provided, and for no other purpose. Said bonds shall show on their face that they are in aid of turnpikes, and the clerk of the county court shall keep a full register of all bonds sold under this act, date of sale, number and denomination of bond, by whom bought, and when.

§ 9. The interest of the county in any road, to the Debts. extent of its stock in such road, shall at no time be liable for any debt or debts contracted by such company.

§ 10. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 1010.

AN ACT to prevent stock from running at large in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person owning Stock. or having care of any horse, jack, jennet, mule, cattle, sheep or hog, to permit the same to run at large in Graves county, and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. Whenever any stock of the kinds mentioned in Duty of sheriff. section 1 of this act shall be found running at large in said county, it shall be the duty of the sheriff or his deputies, or any constable of the district where such stock is found, to seize upon and impound said stock, and provide for their care and keeping until the owner or owners of such stock shall have re-

deemed them by payment of all fees and costs of every kind incident to said procedure.

Penalties of
officers.

§ 3. That any of the officers mentioned in this act, who, either upon his own knowledge, or information of others, fails to take up such stock as is found running at large in said county, or fails to perform any one of the other duties required by this act, shall be subject to a fine of ten dollars for each offense, recoverable before any justice of the peace in said county.

Damages.

§ 4. Whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any court of competent jurisdiction.

Fees.

§ 5. For taking up stock running at large, or committing trespass, the officer shall be entitled to the following fees: For each horse, jack, jennet, mule or colt over six months old, one dollar; for each bull, cow, steer, heifer or calf over six months old, fifty cents; for each sheep over three months old, twenty-five cents; for each hog over three months old, twenty-five cents.

Notice.

§ 6. It shall be the duty of the officer making the seizure to give notice thereof within five days to the owner or keeper of such stock, if the same be known or can be ascertained by him, and shall also report such seizure, together with a written description of the stock seized, to the judge of the quarterly court, a police judge, or justice of the peace of the county, whereupon the owner of such stock shall be summoned to appear and show cause why said stock shall not be sold, and the costs and expenses of seizing, impounding and caring for the same be paid out of the proceeds. On the hearing, such judge or justice being satisfied by evidence (or a jury finding) that the stock was found running at large in violation of the provisions of this act, shall order the same sold in the manner and on the terms that like property is sold

under execution, and the residue of the proceeds of the sale, after payment of costs and expenses, shall be paid to the owner. If the owner be unknown, such residue shall, at the next term of the county court of claims, be reported to said court by the judge or justice trying the cause and the officer making the sale, and paid over to a receiver named by the court, who shall hold it until the owner appears and shows his right to it, when said court shall order it paid to him less a suitable commission to the receiver, to be fixed by the court; and bond, with good security for the faithful performance of his duty, shall be required of said receiver: *Provided*, That the owner of any stock seized under this act may reclaim the same from the court or officer, at any time before sale, by paying such costs and reasonable expenses as may then have been incurred: *And provided further*, That the hearing mentioned may be at any time named in the summons after the owner or keeper has been summoned ten days.

§ 7. When farms are adjoining, there being a di- Adjoining farms.
vision fence between them, the provisions of the General Statutes in such cases made and provided shall govern.

§ 8. This act shall take effect from and after its pas- Vote.
sage, but shall not be carried into execution in said county unless a majority of the qualified voters of said county, voting at the next August election to be held in said county, shall vote in favor of the adoption of the same. Said vote shall be taken on the first Monday in August, 1888, and the officers of the county court of said county are hereby required to have the same submitted to a vote of the people of said county at said election, as under the law made and provided they are now required to provide for holding elections; and the judges of election, at the various voting precincts in said county, shall put the question to each and every voter: Are you in favor of the adoption of the present bill? to be an-

swered by yes or no; and clerks of the said polls shall record the vote so given; and said votes shall be sealed and returned by said officers and counted by the board, whose duty it now is, under the law, to compare the polls and certify whether the same was or not carried; and if a majority of those voting be in favor of the adoption of the same, then it shall go into execution the first day of January, 1889, otherwise it shall be null and void: *Provided, however,* That the provisions of this act shall not apply to any person not residing in Graves county, nor shall any stock except that which is owned by a resident of Graves county be liable to be impounded or otherwise proceeded against under this act.

Approved April 12, 1888.

CHAPTER 1011.

AN ACT to incorporate the Frankfort and Lawrenceburg Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That A. W. Overton, John W. Rodman, Jacob Swigert, J. N. Blakemore, Hiram Berry, and Scott Brown, and their successors in perpetuity, are hereby created a body-politic and corporate, under the name of the Frankfort and Lawrenceburg Railroad Company; and under that name they may sue and be sued, contract and be contracted with, have a common seal, and alter the same at pleasure; and may acquire, hold and transfer such real and personal property, and do all things that may be necessary to facilitate the building and operation of a railroad.

Capital stock. § 2. The capital stock of the company may be any sum not exceeding thirty thousand dollars (\$30,000) per mile of its road, divided into shares of one hundred (\$100) dollars each, for which certificates shall

be issued, signed by the president and countersigned by the secretary. The certificates of stock shall be personal property, and assignable ; but such transfers shall not be binding upon the company until noted upon its books.

§ 3. The said incorporators shall open books for the Subscription. subscription of stock, and when one hundred shares or more have been subscribed for, they shall call a meeting of the subscribers, at which meeting the stockholders shall elect a board of directors from among their own number, consisting of not less than five nor more than nine members. So soon as the board of directors are elected they may choose from among their number a president and vice-president, and appoint a secretary and treasurer, and such other officers and agents as they may deem necessary Officers. for the transaction of the business. The board shall have power to adopt such by-laws and regulations as may seem to them proper, not inconsistent with existing laws.

§ 4. The board of directors so elected, and each Elections. succeeding board, shall hold their offices until their successors are elected and qualified. The stockholders shall meet annually, on the first Tuesday of June, to elect directors and transact such other business as may come before them ; but the board shall have the power to call a meeting of the stockholders whenever it is deemed proper ; at all stockholders' meetings the members shall be entitled to a vote for each share of stock held. The board of directors may fill all vacancies, and a majority shall constitute a quorum for the transaction of business.

§ 5. The said corporation is hereby authorized and Powers. empowered to locate, construct, maintain and operate a single or double-track railway from a point in the city of Frankfort, Kentucky, across to a point on the Louisville Southern Railroad in the county of Anderson, with such telegraph lines, depots, sidings and

switches as may be necessary. It may commence its work on any part of the route. It may acquire and hold all lands necessary for the construction and operation of said line of railroad, and may condemn such lands under the general laws of this State. Said corporation may consolidate with any other railroad organized under the laws of this State. It may also lease or sell its line of railroad upon such terms as may be agreed upon by a majority of the stockholders.

Bonds.

§ 6. The corporation may issue and sell the bonds of the company, of such denomination as may be fixed by the board of directors, for an amount not exceeding thirty thousand dollars per mile, between the terminal points above named. Said bonds may bear interest at any rate not exceeding six per cent., with coupons attached, payable as the board of directors may determine, running not exceeding thirty years; and to secure payment thereof the said company may execute a mortgage or deed of trust conveying its railroad, and all other property and franchises, to the trustee or trustees. It may contract with any other corporation, company or individual for constructing and equipping its railroad, or any part thereof, and may make payment for the same in stock or bonds of said company, in such manner as the board of directors may deem best for the interest of said corporation. It shall be lawful for any county, incorporated city or town, through which said railroad may pass, to donate or lease to this corporation lands for depots and switching purposes, and for a right of way for single and double tracks through such county, town or city, or portion thereof.

Bridges.

§ 7. The said railroad company shall have the power and authority to erect bridges over such streams as its lines may pass, and may have highways for wagons, foot horse and traffic thereon, and may make such charges for the use of the same as may be deemed reasonable and proper. It is also

authorized to take and receive subscriptions to its capital stock in lands lying in any county through which the road may be located, and may receive such lands in the name of a trustee or otherwise; but lands so received, that are not necessary for the operation of the railroad, must be disposed of within five years from the date of the deed to the corporation.

§ 8. It shall be lawful for Franklin county, or any County and city take stock. city, precinct, or district therein, to subscribe for the capital stock of said railroad company an amount not exceeding one hundred thousand dollars in the following manner: A majority of the board of councilmen of any city, if the subscription is to be made by said city, or of the county court, composed of the county judge and magistrates, if the subscription is to be made by the said county, or any precinct or district therein, may, upon application of said company requesting that the question of subscribing to the capital stock of said railroad company be submitted to the legal voters of such city, county, precinct or district upon the terms and conditions set forth in said application, it shall be lawful for said mayor or board of councilmen, or county court, to which said application is made, to order an election to be held in such city, county, precinct or district, on a day to be named in said order, to ascertain the wishes of the legal voters therein upon the question of making such subscription, and to cause notice thereof to be published in such county in a newspaper published therein, and by printed notice to be posted at the court-house door and such other places as the order may direct, giving not less than fifteen days' notice of such election; and at such election votes shall be received for the railroad subscription and against the railroad subscription. Officers of said election shall be appointed to hold the same, and make return thereof in the manner as provided in ordinary elections.

§ 9. As soon as may be after said election, the Duties of county officers. votes shall be canvassed by the same officers as the

law now provides for canvassing the votes in other city or county elections, and they shall determine whether a majority of the legal votes cast were in favor of said subscription; and if they were, the board of councilmen for said city, or the county judge for said county, precinct or district, shall enter an order subscribing to the capital stock of said railroad in accordance with the terms of the proposition so voted on. And the mayor, acting for such city, or the county judge, acting for such county, precinct or district, shall thereupon cause to be prepared and executed the negotiable bonds of such city or county, as the case may be. If they are the bonds of a city, they shall be signed by the mayor and countersigned by the city clerk; if they are the bonds of the county, precinct or district, they shall be signed by the county judge and attested by the county clerk, with his official seal affixed thereto; but the coupons may be attested by the engraved signature of the mayor or judge alone. The mayor of said city, if they be city bonds, or the judge of the county court, if they be county, precinct or district bonds, shall deposit said bonds with a trustee or trust company to be held in escrow, and the railroad company shall deposit the certificate for the capital stock of the said company agreed to be given in exchange for said bonds with such trustees or trust company, and said bonds shall be delivered to the said company when it shall have completed its road according to the terms and conditions of the order under which the vote was taken, but not until then: *Provided, however,* That said trustee or trust company, before receiving said bonds and certificate of stock, shall execute bond with good security, approved by the mayor or county judge, for the faithful performance of his duties under said trust for the protection of all parties concerned: *And provided further,* That if the terms and conditions contained in said application are not satisfactory to said mayor, board of councilmen or county judge,

the order of election may prescribe other terms and conditions.

§ 10. An annual tax sufficient to pay the interest on Tax said bonds and the principal when it shall become due, shall be levied and collected and paid out by the officers of such city or county, as provided in the case of other city or county taxes; but if the subscription is made by a city, precinct or district in said county, then the tax shall only be levied on the taxable property therein, and the bonds shall show upon their face that they are the bonds of such city, precinct or district. If the proposition shall be made to vote a tax upon any precinct or precincts, the vote of the city of Frankfort shall not be taken or counted upon said proposition; the meaning of this being that any precinct in the county of Franklin voting against the tax shall be exempted from its levy.

§ 11. The county of Anderson shall be exempt from the provisions of this law.

§ 12. The corporation shall make its preliminary survey within one year from the passage of this act, and complete its road within three years thereafter.

§ 13. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1012.

AN ACT to amend the charter of the Lexington Savings Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Lexington Savings Association be, and the same is hereby, amended so that the class now in existence, and those hereafter opened, if they be not paid up to the maximum amount of the share by the time fixed for a distribution and settlement of the shares of the particular class, the time

may be extended during which dues may be paid until the shares and accumulation shall amount to the maximum amount of the share as originally fixed.

§ 2. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 1013.

AN ACT to incorporate the Owensboro and Rockport Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That J. A. Fuqua, M. S. Mattingly, R. S. Triplett, R. H. Taylor, H. C. Herr, A. C. Tompkins, J. D. Russell, J. H. Rudy, Jo. Lee, R. Menarck, M. V. Menarck and E. P. Taylor, and their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Owensboro and Rockport Railroad Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be; and said corporation may have and use a common seal, and set aside, renew and alter the same at pleasure; and by said corporate name may contract and be contracted with, and by that name shall be, and are hereby, invested with all the powers, privileges, immunities and franchises of natural persons.

Name.

Capital stock. § 2. The capital of said company may be any amount, not exceeding thirty thousand dollars per mile, for each mile of railroad which said company shall build or own in this State, divided into shares of fifty dollars each; and may be subscribed for, purchased, owned and controlled by individuals in

or out of this State, and by railroad companies and other corporations in Kentucky or elsewhere.

§ 3. The corporators named in the first section of this act, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate; and from their own number, or from such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may be necessary; they shall have power to adopt such by-laws for the government of said company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter the same at pleasure: *Provided*, They shall not conflict with the laws of the United States or of the State of Kentucky.

First board of directors.

President and officers.

§ 4. The general office of the company shall be located at Owensboro, Kentucky; the incorporators, or the first board of directors, after such time as they shall have organized as before provided herein, shall provide in the by-laws for an annual election of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors; the directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified; each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, of whom the president may be one, to constitute a quorum of the board of directors for the transaction of business.

General office.

§ 5. At elections of directors, and all other meetings of stockholders in said company, stockholders

Meetings.

shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy.

Management.

§ 6. The president and directors shall have the management and control of the property, business and affairs of the company; may appoint all such officers, agents and employes as are necessary; prescribe their duties and compensation, and take from any one of them bond, with security, for the faithful performance of his duties.

Subscription books.

§ 7. It shall be lawful for the president and directors of said company to open books for subscriptions to the capital stock of said company, at such times and places, and continue them open for such length of time as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be provided by the by-laws of the company.

Business.

§ 8. The said Owensboro and Rockport Railroad Company shall be, and it is hereby, authorized and empowered to locate, construct, build and complete a railroad from the city of Owensboro, Daviess county, Kentucky, to a point upon the Ohio river at or near to Rockport, Indiana, as said corporation may determine; and for that purpose may acquire title or right of way to continuous line of not exceeding one hundred feet in width of land, with such other land as may be necessary for the use of said railroad, and to construct, build, and furnish said railroad with all necessary side-tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections, bridges, trestles and structures for the construction of said railroad, and for the convenient working and carrying on of its business, and with all the rolling stock of every sort and kind, and all other machinery, implements and property the company deem necessary and proper for the prosecution of its business; and

said company shall have power to operate and maintain the same; and for said purposes said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling and conveying and transferring all real, personal and mixed property said company may deem necessary to the carrying out the objects of this act, to the same extent any natural person or persons, or any other corporation, may exercise such rights of acquisition, holding and disposing of his or their or its property.

§ 9. Said corporation is hereby authorized, by its ^{Powers.} agents, surveyors and engineers, to cause such examinations and surveys of different routes as may be necessary to determine which is most suitable or desirable for the construction of said railroad; and with the consent of the owners thereof, to enter upon and appropriate all such lands, rock, timber, earth and gravel, sand and other material as may be private property, which may be convenient or necessary for the construction and operation of such railroad, switches or side-tracks; but in case the company fail to agree with the owners of such lands or materials upon the price to be paid for the right of way title thereto, or in case the owner is under any disability to contract, or is absent from the State, or is unknown, the company may proceed to condemn such lands and materials as pro- ^{Condemn lands-} vided by the act of the Legislature of this State, approved April the 1st, 1882, chapter 953, and entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," with all the rights and powers therein provided; and upon such condemnation being had, and the payment of the sums assessed and awarded, the title and to such lands and materials shall vest in said company, its successors and assigns, and it may take immediate possession thereof.

§ 10. That said company is hereby authorized to

Borrow money. borrow money to complete, equip, furnish, operate or maintain its said railroad ; and to issue bonds, at a rate of interest not exceeding six per centum per annum, with such time to run as it may deem proper, and negotiate and dispose of the same as it may deem proper ; and may mortgage its corporate property and franchises to secure the same ; but it shall not be lawful for said company to issue, discount or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road ; and said company may, if it so desires, contract with any other railroad, or other corporation or person, for a guaranty of the payment of principal or interest, or both principal and interest, of its said bonds, on such terms and conditions as may be agreed upon by this company and such other railroad corporation or person.

§ 11. Said company shall have power to lease or sell its road and property to any other road, corporation or private person, or may consolidate itself with any other railroad company upon such terms and conditions as may be agreed upon between it and the other company or companies, so as to secure the building or operation of said road ; and may establish and take a suitable and proper name, to be approved of by the consolidating companies ; and for any of said purposes full power is hereby given the said company to make and execute all and any such contracts as may be necessary to carry into effect any such lease, sale or agreement of consolidation.

Property. § 12. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire, hold, use and enjoy all such real estate and personal property, or mixed property, as may be convenient or desirable for constructing, operating or equipping said railroad and a line of telegraph along the same, or telephone, or which may be conveyed to it and accepted in payment of stock subscriptions, or which

may be purchased by it, and may bargain, sell and convey the same as a natural person.

§ 13. That said company may make contracts with Construction. any other corporation, person or persons, for constructing or equipping said road, or any part of the same, and pay therefor, in whole or part, in the stock, bonds or other property of said company.

§ 14. That the board of directors and officers of Rates. said company shall have the power to establish such charges for the conveyance of persons and property on the said railroad as it may deem proper, but not, however, to exceed the rates charged by other roads for like services; and it may also agree with any other railroad with which it may be consolidated, or in connection with which it may be operated, for a uniform rate of charges, and the basis of *pro rata* between the company and such other railroad.

§ 15. That the Legislature of Kentucky, in grant- Legislative power. ing this charter, reserves the right, by general laws, to control and regulate the freights on the road to be built under this charter; and that said road shall be commenced within a period of three years, and completed in six years from the passage of this act.

§ 16. The private property of the stockholders Private property. shall not be liable for the debts of the corporation, and in no event shall be subjected to such debts.

§ 17. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1014.

AN ACT to incorporate the Union Pipe Line Company,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. C. Rawlings, R. H. Nevitt, James F. Incorporators. Woolfolk, A. W. Moreman, Z. T. Herndon and Gus. W. Richardson, their successors and assigns, be, and

are hereby, created a body corporate, under the name of the Union Pipe Line Company; and by that name shall have perpetual succession, and power to contract and be contracted with, to sue and be sued, implead and be impleaded; to acquire, hold and own such real and personal property as may be necessary to the successful operation of a pipe line company.

Directors.

Place of meeting

Officers.

§ 2. The board of directors shall consist of not less than five nor more than eleven, who shall be stockholders in the company, and each of whom shall be the actual owner of twenty-five shares of stock, and a majority of whom shall be citizens of the Commonwealth of Kentucky, and who shall be elected for a term of one year, and until their successors are chosen at a meeting of stockholders of said company, to be held in the city of Louisville on the second Monday of March in each and every year. The incorporators herein named, their successors or assigns, shall be the board of directors for the year ending on the second Monday of March in the year 1889. In case of vacancy in said board, the board of directors is hereby empowered to fill the vacancy. The directors shall elect from their number a president, vice-president, secretary and treasurer.

§ 3. All by-laws shall be made and amended by the stockholders of said company, and may provide for the appointment of agents, fix their compensation, prescribe their duties, and require of them the execution of bonds, with sureties for the faithful performance of their respective duties. All meetings of stockholders of said company shall be called by the board of directors upon thirty days' notice given them.

§ 4. The capital stock of said company shall be one million dollars, in shares of one hundred dollars each, which shall be personal property, and which may be subscribed for upon such terms and transferable in the manner to be prescribed in the by-laws of said company. Said company is authorized to increase its capital stock, not exceeding one million dollars,

upon a vote of five-sevenths of the entire stock, at a meeting of the stockholders called for that purpose.

§ 5. Said company shall have power to construct, ^{Powers.} equip, maintain, and operate lines of pipe under ground or on the surface thereof, and to cross rivers and streams of water and valleys, for the purpose of receiving and conducting and distributing natural gas from the counties of Bullitt, Hardin, Meade, and Jefferson, and selling same for commercial, public, manufacturing, and domestic purposes; and said company is also empowered to acquire real estate that may be necessary for the erection thereon of such buildings, machinery, tanks, receivers, pipes, gasometers, and all other appliances or improvements that may be useful in receiving, safely storing and distributing natural gas; and said company may construct its pipe lines with receiving and storage stations thereon from any or all of said counties into the city of Louisville, or any other city or town or manufactories in this State; and may acquire the right of way and a sufficient parcel of real estate on said line for the safe storage and distribution of its receiving stations, by purchase, donation or condemnation, according to the provisions of the general law for condemning property in this Commonwealth. Said company shall have the right to lay, maintain and operate its pipe lines in the public streets, alleys and public ways, and distribute, deliver and vend natural gas therein, subject to the supervision and control of the general council of the city of Louisville, or the city or town authorities or trustees of any town or city in this State. Said company shall have power to contract with the owners of natural gas wells in the counties of Bullitt, Hardin, Meade and Jefferson for supplies of natural gas, upon such terms and conditions as may be agreed upon. Said company shall have power to issue its coupon ^{Bonds.} bonds, bearing six per cent. interest per annum, payable semi-annually, and maturing at such time and place as it may designate in the face of said bonds;

and to secure the payment to the holders thereof, the company shall execute a mortgage, conveying to trustees, to be named therein, all of its properties and franchise: *Provided, however,* That the bonds herein authorized to be issued shall not exceed one-fourth of its capital stock.

Dividends.

§ 6. The directors, once in every year, shall declare dividends to stockholders out of the gross earnings of said company, after first deducting all expenses and fixed charges.

§ 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1015.

AN ACT to incorporate the Richmond Rural Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas S. Ellis and Julia A. Ellis, and their associates, successor and assigns, be, and they are hereby, created a body-politic and corporate, under the name of The Richmond Rural Hotel Company, with succession for twenty years; and by that name they may contract and be contracted with, sue and be sued, use a common seal, and have all the rights of which a natural person might have in the matter of purchasing grounds for a hotel (the grounds intended to be used are the property of the aforesaid T. S. Ellis and Julia A. Ellis), in Richmond, Kentucky, and erecting on same suitable buildings for hotel purposes, leasing, operating, selling or mortgaging said hotel and hotel property.

§ 2. The persons named in this act, or any one of them, shall act as commissioners or commissioner to receive subscriptions to the capital stock of the com-

pany, to prescribe the time, terms and conditions of payment of the same, to superintend the election of directors and fix the time therefor, due notice of which shall be given to the stockholders, and do any and all things which a board of directors might do, until the election and organization of the board of directors.

§ 3. On the first Saturday of June, 1888, or as soon thereafter as practicable, there shall be elected five directors, all of whom shall be stockholders and own at le five shares of the stock of the company; and they shall hold office for one year or until their successors are elected. The annual election of directors, after the first year, shall be on the first Saturday of June of each year, unless a different time be fixed by the board of directors.

§ 4. The directors shall elect one of their body president, who shall be the chief executive officer of the company, and have such powers and duties as the board of directors may prescribe.

§ 5. The board of directors, and their successors in office, shall have the control and management of all the business of the company, and they shall have the power to borrow money in the name of the company, and for its use and benefit, and secure the payment of same by a mortgage of the property and franchises of the company; and they may also do any and all acts necessary to the building, leasing and operating of a hotel in Richmond, Kentucky.

§ 6. The personal property of the stockholders shall be exempt from the corporate debts.

§ 7. The capital stock of the company is fixed at twenty thousand dollars, which shall be divided up into shares of one hundred dollars each, which shall be personal property in the company, secured by the certificate of the company, under its seal, and transferable as the by-laws may prescribe.

Approved April 12, 1888.

CHAPTER 1016.

AN ACT to amend an act, entitled "An act to incorporate the Kling Car Coupler Company," approved March 8, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Kling Car Coupler Company," approved March 8, 1888, be, and the same is hereby, amended as follows :

§ 2. That the name and style of said corporation is hereby changed to the "Kling Automatic Car Coupler and Supply Company," and shall be known as such.

§ 3. That section 1 of said act shall be, and the same is hereby, amended by adding to said section 1 the following words: "And shall have the right and power to manufacture, buy and sell any patent appliances and articles useful and appertaining to the tracks, cars, rolling stock, and all other articles used in the operation and conducting of railroads, of all descriptions, and to dispose of same in any manner."

§ 4. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1017.

AN ACT to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Lexington, Harrodsburg and Perryville Turnpike Company be, and the same is hereby, repealed as follows, to wit :

§ 2. That this corporation shall not be subject to the provisions of an act, entitled "An act to better protect

turnpike roads in which the State is interested," approved May 15, 1886; and said act is hereby repealed so far as it applies to this company.

§ 3. That hereafter the annual election of a president and directors of this company shall be held on the first Tuesday in May next, and on the same date annually thereafter; and the president and directors so elected shall hold their respective offices for one year from the date of their election, and until their successors are elected.

§ 4. The president and directors of this company elected in March, 1888, shall hold their offices until their successors shall be elected on the first Tuesday in May, 1888, as hereinbefore provided, and no longer.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1018.

AN ACT authorizing and empowering R. F. Holms, town marshal of Eddyville, to execute certain process, and to take bail bonds.

WHEREAS, The office of sheriff is vacant, and likely to remain so, in Lyon county, and the coroner of said county is old and decrepid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. F. Holms, town marshal of the town of Eddyville, be, and he is hereby, authorized and empowered to execute all process issuing from the clerk's office of the Lyon circuit court, including bench warrants and other process in criminal or penal prosecutions, and to take bail as other officers, as authorized by section 84 of the Criminal Code of Practice: *Provided*, That the powers given by this act shall not extend or be exercised by said

Holms beyond the termination of the next June term of the Lyon circuit court.

§ 2. This act shall take effect and be in force from and after its passage,

Approved April 12, 1888.

CHAPTER 1019.

AN ACT to authorize the Harrison county court to build a bridge across main Licking river, at or near the mouth of Cedar creek, in said county, and to levy an ad valorem tax to pay for the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Harrison county, a majority of the justices of the peace of said county being present and concurring therein, is hereby authorized to contract for the building, and to have built, a bridge across main Licking river, at or near the mouth of Cedar creek, on the line between the counties of Harrison and Robertson, as said court may determine, provided Robertson county builds her proportion of same, and to levy an ad valorem tax upon each one hundred dollars' worth of taxable property in said county to pay for the same.

§ 2. That the tax provided for in this act shall be assessed and collected as other taxes are collected, and the collecting officers shall be liable on their bonds as in other taxes for county purposes.

§ 3. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1020.

AN ACT to amend an act to incorporate the town of East Bernstadt, in Laurel county, approved March 10, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the town of East Bernstadt, in Laurel county, approved March 10, 1884, be, and the same is hereby, so amended, in case there should occur a vacancy in the office of police judge for said town, the chairman of the board of trustees shall be *ex officio* judge of said town, and shall have all the rights and powers of the regular police judge in all things; and in case of said vacancy, the board of trustees shall order an election of police judge to fill out the unexpired term of said judge, giving at least ten days' notice of the election.

§ 2. This act shall take effect and be in force from its passage.

Approved April 12, 1888.

CHAPTER 1021.

AN ACT to incorporate the town of McGee's Spring, in Carlisle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of McGee's Spring, in Carlisle county, be, and the same is hereby, incorporated, with the following boundary, to wit: Beginning at the large green spring nearest the house of B. F. McGee; thence east to the corner of B. F. McGee's land; thence to a point one-quarter of a mile north of said spring; thence to a point one-quarter of a mile west of said spring; thence to a point one-quarter of a mile south of said spring; thence to the aforesaid corner of McGee's land.

§ 2. That B. F. McGee, J. W. Jackson, B. F. Donel-

Trustees ap-
pointed.

son, J. J. Mabery and R. Shroads, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in September, 1888, on which day, and on the first Saturday of each September thereafter, there shall be elected by the voters of said town qualified to vote for Representative, five trustees to serve one year, and until their successors are duly elected and qualified. The trustees herein appointed, and those hereafter elected, shall, before they enter upon the duties of their office, be duly sworn by some justice of the peace for said county to the effect that they will faithfully discharge the duties of said office.

Incorporate.

§ 3. That said trustees and their successors in office shall be a body-politic and incorporate, and shall be known and styled the "Trustees of McGee's Spring," and by that name are made capable to contract and be contracted with, and to sue and be sued, and of pleading and being impleaded, in all the courts of this Commonwealth.

Quorum.

§ 4. That said trustees, three of whom shall constitute a quorum for the transaction of any business, shall elect one of their number a chairman, who shall preside when the board is in session, and who shall have power to convene said board whenever he thinks it necessary.

Police judge.

§ 5. Joseph W. Armstrong is hereby appointed to the office of police judge of said town, and he shall hold his office until the first Saturday in September, 1888, at which time, and on the first Saturday of September every two years thereafter, the voters of said town qualified to vote for a Representative to the General Assembly, shall elect a police judge, who shall hold his office for two years, and until his successor is elected and qualified. The jurisdiction and powers of the police judge in civil and criminal cases shall be the same that is now by law conferred upon justices of the peace in said county, and he shall receive the

same fees for like services ; he shall be commissioned by the Governor.

§ 6. That D. G. Zook be, and he is hereby, appointed- ^{Marshal.} to the office of marshal of said town, until the first Saturday of September, 1888, at which time, and on the first Saturday of every September thereafter, the qualified voters of said town shall elect a marshal, who shall hold his office until his successor shall be elected and qualified. The town marshal shall have the same powers and like fees as constable : *Provided*, That before he shall exercise the functions of a constable in civil business, he shall appear before the county court of Carlisle county and execute a bond, with covenants similar to those of a constable's bond, and shall take the oath which the law now requires to be administered to constables.

§ 7. The board of trustees hereby appointed shall, ^{Elections.} by proper ordinance, appoint the officer of the elections to be held in September, 1888 ; and they shall also designate the place for holding said elections, and give at least ten days' notice thereof, by written notices posted in three of the most public places in said town ; and all subsequent elections shall be held by officers appointed by the trustees of said town, at such places as the trustees may name, of which notice, as above, shall be given.

§ 8. The officers of all elections shall, within two days after said election, return the poll-books to the chairman of the board of trustees, whose duty it shall be to immediately compare said poll-books, and issue his certificate of election to the persons receiving the highest number of votes. In case the chairman be a candidate, the poll-books shall be returned to the police judge, who shall compare same, and issue the certificate of election ; or, in case both the police judge and chairman be a candidate, then the trustees shall, by ordinance, appoint some one who shall compare said poll-books and issue certificates of election.

§ 9. The trustees of said town shall have power over the streets, alleys and sidewalks of said town, and may direct the opening and improving of same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of this State or the United States. They shall have power to annually levy and collect a tax upon all the property in said town subject to taxation for State purposes, not exceeding fifty cents on each one hundred dollars' worth; and they shall also have power to levy and collect a poll-tax, not exceeding one dollar, on each tithe in said town, all of which shall be applied in such manner as the trustees shall deem most beneficial to said town. It shall be the duty of the trustees to appoint a treasurer, to whom all money due the town shall be paid, and shall only be paid out upon the order of the trustees, attested by the clerk of the board. The treasurer shall give bond to the trustees, with approved sureties, upon which an action may be maintained for any defalcation in office. The marshal shall collect all taxes levied by the trustees, and pay same to the treasurer, and take his receipt for same, and shall annually, and oftener if required by the trustees, make a settlement with them, in which he shall be charged with the taxes and fines, and be credited only by the receipts of the treasurer, and such delinquents as the trustees may allow. A record of this settlement shall be made by the clerk. It shall also be the duty of the treasurer to settle with the trustees, in which settlement he shall be charged with all moneys which has come to his hands, whether on account of taxes or fines, and file his vouchers showing what he has done with said money: *Provided, however,* That the trustees shall allow the treasurer and marshal a reasonable compensation for their services, for which they may be credited.

§ 10. All fines and forfeitures inflicted and collected under the ordinance and by-laws of said town shall be paid to the treasurer for the use and benefit of said town. Fines and forfeitures.

§ 11. It shall be the duty of the trustees to keep the streets and alleys in good repair, and for that purpose may apply the money belonging to said town. The trustees shall, by ordinance, provide for keeping the streets in good repair, and for that purpose may require all able-bodied male persons, between the age of sixteen and fifty years, residing inside the corporate limits of said town, to work the same; but the citizens of said town are hereby exempted from working on the public roads, except that part of such public roads as may be inside of the corporate limits of said town, or within one-quarter of mile thereof.

§ 12. The police judge, in addition to the powers already conferred on him, shall have exclusive jurisdiction of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all process directed to him by the police judge, to collect and pay to the treasurer all fines and taxes belonging to said town. Police judge, powers.

§ 13. Vacancies in the office of police judge shall be filled in the same manner that vacancies in the office of justice of the peace are filled. A vacancy in the office of town marshal shall be filled by the board of trustees, and a vacancy in the board of trustees shall be filled by appointment, made by the police judge. The treasurer and clerk shall hold their office at the pleasure of the trustees. Vacancies.

§ 14. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1022.

AN ACT to incorporate the Speedwell, Kingston and Menelaws Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed and created a body-corporate and politic, under the name and style of the "Speedwell, Kingston and Menelaws Turnpike Road Company," for the purpose of constructing a turnpike road, beginning at a point on the Big Hill Turnpike Road, not far from Kingston, and running the most practicable route towards Speedwell; and beginning on said Big Hill Turnpike, near the same place, and running in the direction of White's Station or Menelaws, the most practicable route, to intersect the Silver Creek and Menelaws Pike; to have perpetual succession, and by the name and style aforesaid may sue and be sued, contract and be contracted with, plead and be impleaded, in any of the courts of this Commonwealth; have a common seal, and may alter or amend the same at pleasure.

§ 2. The capital stock of said company shall be (\$10,000) ten thousand dollars, and may be increased or diminished at the pleasure of the company, and shall be divided into shares of fifty (\$50) dollars each.

§ 3. That James B. Parks, Joseph W. Bales, J. Press Bratty, B. F. Crooke and Thomas Smith, of Crookerville, or any three of them who may be willing to act, be, and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription of stock, and as soon as one thousand dollars are subscribed, they shall give ten days' notice for a meeting of the stockholders for the purpose of electing a president and five directors, a majority of whom shall be competent to do the business, and to do all things authorized by this act to be done

by the president and directors; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such times and places as said president and directors may from time to time appoint, who shall continue in office for one year, and until their successors are elected and qualified.

§ 4. That no person shall be eligible to the office of president or director who is not the owner of one or more shares of stock in said road; and at an election of said officers each stockholder shall be entitled to one vote for each share of stock so owned, and may be cast in person or by written proxy.

§ 5. The president and directors shall have the power of appointing a secretary, treasurer and gatekeepers, and all other officers or agents which may be necessary to effect the purposes of this act, and to remove them at pleasure. They shall have the power to require the treasurer, and all other officers or agents appointed by them, to execute bond, and security in such sums as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

§ 6. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock in said company shall enter into the following obligation in said book, namely: We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Speedwell, Kingston and Menelaws Turnpike Road Company the sum of fifty (\$50) dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be by them required under the law incorporating the company, to be collected as other debts. Witness our hands this, the — day of —, 188—.

§ 7. That said road shall be not less than eighteen (18) feet grade, and the metal broken not less than

twelve (12) feet wide, with a bar or strip of dirt one foot wide and one foot deep on each side of the metal to hold it in place, and graded to an elevation of not more than six (6) degrees ; the depth of broken metal to be not less than ten inches, the top dressing of which, of four inches, to be broken to pass through a four-inch ring. Whenever two and one-half miles of continuous road is completed, a toll-gate may be erected and toll collected, as regulated by the General Statutes relating to the same.

§ 8. That the president and directors of said road shall have the right and power to acquire the right of way for said road, to locate and lay out the same ; and may take steps authorized by the General Statutes to condemn the land over which the same may run, not to exceed thirty-three (33) feet in width, and for toll-gates sites not exceeding one acre ; as also for material — adjacent lands not to exceed one — acre in any one place for the co——ction and repairing said road.

§ 9. The county court of Madison county is hereby empowered to subscribe to the capital stock of said Speedwell, Kingston and Menelaws Turnpike Road Company a sum not exceeding one thousand dollars per mile, and to advance the same in aid of the construction of said road, with sufficient security to protect the county interest in the same.

§ 10. The private property of the stockholders of said road shall not be liable for the debts of said corporation.

§ 11. This act to take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1023.

AN ACT to amend the charter of the Lexington and Madison Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Lexington and Madison Railway Company," passed at the present session of this General Assembly, be so amended as to repeal all portions of the said act which permit any subscription to the stock of said road by the counties, districts, towns or cities through which it may pass, or which authorizes said counties, districts, cities or towns to vote upon said proposition, and said portions of said act are hereby repealed.

§ 2. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 1024.

AN ACT to fix the per diem of the justices of the peace of Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the per diem of the justice of the peace hereafter be three dollars per day for service at the court of claims in said county.

§ 2. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1025.

AN ACT to incorporate the Benson Creek and Harrisonville Turnpike Company, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company be, and the same is hereby, created a body-politic and corporate, under the name and style of the Benson Creek and Harrisonville Turnpike Road Company, in Anderson county, Kentucky ; and by said name and style shall have perpetual succession, and the power to contract with, sue and be sued, plead and be impleaded, have and use a common seal, and all other powers given by the general law to turnpike road companies.

§ 2. That said company is hereby empowered to construct a turnpike road, on the macadamized plan, from or near the point where the Alton and Camdensville Turnpike Road crosses Benson creek, to the county line, near Harrisonville, in Shelby county ; running the most practicable route from the first-named place to the county line, between the county of Shelby and the county of Anderson.

§ 3. H. J. Young, H. M. Satterwhite, J. S. Burge, G. C. Satterwhite, W. F. Honchens, Anthony Headen, J. L. Humes and G. W. Brown, are hereby appointed commissioners, any or all of whom may open books for the subscription of stock to said company ; the stock to be in twenty-five-dollar shares ; and the obligation of subscribers thereto shall be binding upon said subscribers, and in substance as follows : “ We, whose names are hereto subscribed and affixed, promise to pay to the Benson and Harrisonville Turnpike Road Company the several amounts set opposite our names, at such times, and in such sums, as required by the board of directors of said company.”

§ 4. That an act, entitled "An act to incorporate the Alton and Camdensville Turnpike Road Company," approved April 15, 1882, embracing the 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, and 13th sections of said act, is hereby made and enacted as part hereof.

§ 5. That when it is shown to the satisfaction of the Anderson county court, including the justices of the peace for said county, or a majority thereof, that the subscriptions to said road are sufficient to build and construct the same between the two points designated in section two of this act, said court shall subscribe one thousand dollars to each mile, which by said court shall be considered a part of said subscription: *Provided*, That a majority of the qualified voters in Anderson county, voting at some general election, shall have voted said tax of one thousand dollars to the mile to said road.

§ 6. This act shall be in force from its passage.

Approved April 12, 1888.

CHAPTER 1026.

AN ACT to incorporate the Citizens' Deposit Bank, of Fox Creek, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and there is hereby, estab- Name.
lished in the town of Fox Creek, Anderson county, Kentucky, a bank, by the name of the Citizens' Deposit Bank, of Fox Creek, with a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, and which may be increased to one hundred thousand dollars.

§ 2. The subscribers and holders of said shares of Incorporate.
stock, and their successors and assigns, shall be, and are hereby, created a body-politic and corporate, un-

der the name and style of the Citizens' Deposit Bank, of Fox Creek ; and shall so continue a body-politic and corporate until the first day of January, 1910 ; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, as natural persons ; with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate, goods, effects and chattels as shall be necessary for the transaction of its business, or which may be conveyed, assigned, delivered or in any way pledged to said bank, or which may be purchased or conveyed in satisfaction of any debt, judgment or decree of any court in favor of said bank ; but no real estate purchased by it in satisfaction of any debt, judgment or decree, shall be held for a longer time than five years ; and may have and use a common seal, and alter, change or renew the same at pleasure ; and the board of directors of said bank, hereinafter provided for, may make, ordain and establish and put in execution such by-laws, ordinances, rules and regulations, as said board may deem necessary and proper for the good management of said bank, and the prudent and efficient management of its affairs: *Provided*, That the same shall not be in anywise contrary to the Constitution and laws of this State or the United States.

Directors.

§ 3. The business affairs of said bank shall be managed by a board of not less than three nor more than five directors, a majority of whom shall constitute a quorum for the transaction of business. Any stockholder may be a director. Said directors shall in all cases be elected by those owning a majority of the stock ; and after the first election (which shall be held at a time and place chosen by those subscribing a majority of the stock) said directors shall be

elected at the banking-house of said bank on the Saturday next before the first day of January of each year, and shall continue in office for one year, and until their successors are duly elected; but a failure to hold said election on the day above designated shall in no case operate as a forfeiture of this charter, or in anywise impair the rights and privileges of said corporation; but in such cases the election may be holden on a day appointed by the board of directors after thirty days' written notices by the cashier or president, posted at the banking-house of said bank, post-office and court-house, or two successive publications in any Anderson county newspaper, and shall have the same effect as if holden on the regular day designated for said election. Said election shall in all cases be by *viva voce*, and shall be held by a clerk and judge designated by the board of directors at some meeting previous to the same; and the certificate of such clerk and judge shall be conclusive proof of the election of the persons therein named as directors. At all said elections for directors, each stockholder shall have one vote for each and every share of stock he or she may own and hold in said bank. Should the board, from any cause, fail to designate a clerk and judge, or either, to hold said election on said regular election day, then the stockholders, or any of them, may appear at said bank on said regular election day, and elect a board, and the certificate of such stockholders, holding and owning a majority of the stock, shall be conclusive proof and evidence of election; and the directors so elected shall commence their term of office from and after such certificate.

§ 4. Any vacancy occurring in the directory from death, resignation, failure to accept, or from any cause whatsoever, may be filled by the remaining board. Vacancies.

§ 5. The directors chosen may elect a president, cashier, and such officers as they may deem neces- President and other officers.

sary to carry on said bank, fix the salaries thereof, and shall require bonds for the faithful discharge of their duties; and their terms of office shall continue only at the pleasure of the board.

Business.

§ 6. Said bank may take deposits or pledges of stock in this bank, or other stocks, bonds, real estate, choses in action, judgments of courts, warehouse receipts, or other things, to secure it for any money or demands that may be due or owing said bank by persons so depositing or pledging.

Subscriptions.

§ 7. R. H. Crossfield, Barton Cox, S. P. Routt, W. P. Cox, L. H. Penney, Thos. L. McKee, W. H. Crossfield, Alexander Hicks, W. B. Wilson, George Searcy and Joseph A. Cohen shall constitute a committee (any two of whom may act) to receive subscriptions for stock, and the books shall be kept open for subscriptions until fifty thousand dollars shall have been taken; but the failure to secure the whole of the fifty thousand dollars in subscriptions of stock shall in no sense work or operate as a forfeiture of this charter; but as soon as as much as thirty thousand dollars of stock shall have been subscribed and paid in, said corporation shall be complete in all senses and for all purposes whatsoever, and said bank may then commence business, and have all the rights and privileges of this charter.

Private property

§ 8. Private property of the individual stockholders shall, in no case, be responsible for the corporate debts or liabilities.

Meetings.

§ 9. The regular meeting of the board of directors shall be on every Saturday; but the president may call a meeting at any time he may think proper.

Dividends.

§ 10. Dividends, if any, shall be declared on the Saturday before the first day of January and July of each year.

Liquidation.

§ 11. Said bank may go into liquidation, wind up its affairs, reduce its stock, or increase its stock, in any way not inconsistent with this charter and the

rights of the stockholders, at any time, upon the written desire of those owing a majority of the stock.

§ 12. This act shall take effect and be in force from ^{Incorporators.} and after its passage; and the incorporators, R. H. Crossfield, Barton Cox, S. P. Routt, W. P. Cox, L. H. Penney, Thos. L. McKee, W. H. Crossfield, Alexander Hicks, W. B. Wilson, George Searcy and Joseph A. Cohen (any three of whom may act and constitute a quorum for all purposes whatsoever), shall have all the power and authority of directors until their successors are elected.

Approved April 12, 1888.

CHAPTER 1027.

AN ACT to amend the charter of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the city of Bowling Green as provides that no person shall be eligible to the office of mayor of said city who has not served as mayor or councilman for a full term of two years, be, and the same is hereby, repealed.

§ 2. That the board of councilmen of said city shall have power to establish by ordinance a fire commission, and vest it with power to regulate the fire department, and inquire into the origin of all fires occurring in said city, and compel the owner of any building, or other property destroyed or injured by fire, or any person whose testimony such commission may deem important, to appear before it and testify concerning such fire. Said ordinance shall provide for the number of members said commission shall contain, and their terms of office and duties.

§ 3. The mayor of said city shall, by and with the advice and consent of the board of councilmen, appoint a chief of police, who shall serve for a term of

two years, and until his successor is appointed and qualified. The chief of police, when appointed, shall have like power and responsibilities now conferred or imposed by law upon the marshal of said city: *Provided*, That the mayor may, with the consent, or by order of the board of councilmen, remove any police officer for neglect or violation of duty.

§ 4. The board of councilmen of said city may, by ordinance, levy a tax not exceeding five dollars upon each dog owned or kept in said city.

§ 5. This act shall take effect from its passage; and all laws or parts of laws conflicting herewith are hereby repealed.

Approved April 12, 1888.

CHAPTER 1028.

AN ACT to amend the charter of West Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of West Covington, in Kenton county, be so amended as to authorize the trustees of said town to levy and cause to be collected, in the same manner as other town taxes, an additional annual tax, of not exceeding twenty-five cents upon the one hundred dollars' valuation of taxable property in said town, for the purpose of paying the debts of said corporation, and for the general purposes of said town.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1029.

AN ACT to authorize the county court of Pendleton county to levy a tax for bridge purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pendleton county be, and they are hereby, authorized and empowered, a majority of the justices of the peace being present and consenting thereto, to levy an ad valorem tax, not to exceed fifteen cents on the one hundred dollars' worth of taxable property in said county, and a poll tax on each resident male citizen of said county, of not to exceed fifty cents each, for bridge purposes. Said tax, when levied and collected, shall be used for no other purpose than for the erection and building bridges in said county.

§ 2. The county court shall have power to levy said tax at any time, a majority of the justices of the peace being present and concurring therein: *Provided*, The same be not oftener than one year.

§ 3. Said taxes shall be collected by the sheriff of said county as the State revenue is now collected, and he shall be responsible on his official bond therefor as for the collection of the county levy. Said sheriff shall, when he has collected said taxes, pay the same over to the county treasurer, taking his receipt for the same; and the said treasurer shall be responsible on his official bond for the disbursement of all moneys coming to his hands for said county for bridge purposes, and pay out the same only on the order of the county court, and to whomsoever said county court may direct.

§ 4. This act to take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1030.

AN ACT for the benefit of W. R. Housley, of Hardin county.

WHEREAS, W. R. Housley was duly elected as justice of the peace for Hardin county, in precinct No. 2, in said county, and on account of sickness was unable to qualify at the time prescribed by law :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. R. Housley be, and he is hereby, permitted to qualify as justice of the peace in precinct No. 2, in Hardin county; and that all his official acts, after he has qualified, are hereby legalized, and that he be permitted to hold his office for the full term he was elected for.

§ 2. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1031.

AN ACT to amend an act, entitled "An act to prevent any person or persons to play cards in any of the lots, pastures, shops, or outbuildings or stables, within one mile of the court-house in Owingsville, in Bath county," approved April 9, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the first section of said act be, and the same is, amended by inserting in the second line of said section, after the word "cards," the following words: "Or any game with dice;" and said section is further amended by inserting in the third line of said section, just after the word "lots," the words "streets or alleys of said town."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 1032.

AN ACT to amend the charter of the town of Robards, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the charter of the town of Robards, in Henderson county, Kentucky, be amended as follows :

§ 1. If from any cause, not resulting from the fault of the trustees who may be in office at the close of the term for which they had been chosen, there is no election held, said trustees shall continue in office until their successors shall have been duly elected and qualified.

§ 2. The trustees may appoint a tax collector for the town, and shall require of him a sufficient bond for the faithful discharge of his duties.

§ 3. The trustees may contract with a town marshal of said town for his services, by agreeing to pay him a reasonable salary over and above the fees allowed him ; said salary to be paid out of any moneys that may be in the treasury not otherwise appropriated.

§ 4. The trustees may require property-owners to build sidewalks fronting their property on such streets and at such times as public necessity may demand ; and such sidewalk as such trustees may deem necessary in proportion to the demands other sidewalks in town, etc.

§ 5. The trustees, after giving notice to, and reasonable time to, property-owners to build said sidewalk, upon their failure so to do as required, may cause such sidewalk to be built, and collect same from such property-owners.

§ 6. And that sections 1, 2 and 3, article 4, be repealed.

Approved April 12, 1888.

CHAPTER 1033.

AN ACT to incorporate the Will. S. Hays Music and Poetry Publishing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Leathers, John B. McFerran, S. T. Moore, Bennett H. Young, W. H. Dillingham, Charles P. Moorman, George H. Moore, W. S. Matthews, Henry Heath, and Clinton McClarty, and their associates and successors, are hereby created a body-politic and corporate, under the firm name and style of the Will. S. Hays Music and Poetry Publishing Company; and by that name may have perpetual succession, sue and be sued, contract and be contracted with, hold and acquire property; have and use a common seal, which they may alter at pleasure; make by-laws, rules and regulations, for the regulation and management of its affairs, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The principal place of transacting its business shall be in the city of Louisville, in this State, and the general nature of its business is the publication, sale and distribution of the music, songs and poetry composed, produced and arranged by Will. S. Hays.

§ 3. The capital stock of said company shall be one thousand dollars (\$1,000), divided into shares of one hundred dollars (\$100) each, to be subscribed for and issued as may be prescribed by the board of directors. The corporation shall continue for twenty-five years from and after the passage of this act, unless sooner dissolved by a majority of the stockholders.

§ 4. The affairs of this company shall be conducted by a board of directors, consisting of three members, chosen by the stockholders annually, on the first Monday in March of each year, and shall serve until their successors are elected and qualified: *Provided*, That

the first election of directors under this act may be held at a different day than the first Monday in March. The board of directors shall elect a president, secretary and treasurer, and general manager; define their duties and fix their salaries. The offices of secretary and treasurer may be united, if the board agree thereto. The private property of stockholders shall be exempt from corporate debts, and the highest amount of indebtedness of said company shall be one thousand dollars.

§ 4. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 1034.

AN ACT to amend House bill No. 787, approved March 24, 1888, entitled "An act to repair and keep in repair the public roads in Lincoln county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said act, approved February 25, 1888, be, and the same is hereby, amended as follows, to wit, by adding thereto the following: It shall be the duty of the road surveyor, whenever any person presents himself and demands the privilege of working on the road to pay his poll, capitation or road tax, as provided for in said act, to accept the proffered services, and direct upon what part of the road said labor shall be performed; and the surveyor of any road who shall fail to perform any of the duties prescribed in said act or this amendment, shall be subject to a fine of not less than ten dollars and not more than twenty dollars for each offense, by warrant in the name of the Commonwealth or indictment by the grand jury.

§ 2. Any male citizen shall be eligible to the office

of road surveyor in Lincoln county who is over the age of twenty-one years, whether he be within the road-working age or not, provided he be a resident of said county.

§ 3. Said act is further amended, by striking out the words, not less than eight days, in the first section of said act, and inserting in lieu thereof the words one day; and by striking out the words, not more than three days consecutively in the said first section of said act, and by striking the words, not more than ten days in one year, in said first section of said act, and inserting in lieu thereof the words, not more than three days in one year, and by striking out the words ten cents in the second section of said act, and inserting in lieu thereof the words six cents; and said second section of said act is further amended as follows, to wit: The sheriff of Lincoln county, or the tax collector thereof, shall, in order to arrive at the value of said property to be taxed for said road purpose, take the assessor's books for that year, from which he shall make out the tax receipt for said road tax, making the value of the property assessed for said road purposes the same as that given in by the assessor for revenue.

§ 4. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1035.

AN ACT to close ninety-five feet of a certain alley, running north and south, between Lexington and Maple streets, in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the south ninety-five feet of a certain alley in the city of Louisville, running north and south, between Lexington and Maple streets, and Thirteenth

and Fourteenth streets, be, and the same is hereby, closed as a public highway.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1036.

AN ACT for the benefit of R. W. Major, ex-sheriff of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts may, and he is hereby, authorized and directed to settle with Robert W. Major, ex-sheriff of Trigg county, for the revenue due from him as sheriff of said county ; and said Auditor shall execute to him a quietus, upon the payment by him of all the revenue with which he is rightfully charged, the object of this act being simply to relieve him from the interest due thereon.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1037.

AN ACT to incorporate the Richmond Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. Stone Walker, J. H. Powell, J. P. Herndon, Samuel H. Stone, G. W. Evans, W. T. Tevis, M. C. Heath, T. D. Chenault, Chas. S. Powell, and their associates, successors and assigns, who shall hereafter become stockholders in the company hereby incorporated, are made a body-corporate, by the name of the Richmond Safety Vault and Trust Company ;

Names of incorporators and corporate powers.

and by such name shall have perpetual succession, contract and be contracted with, sue and be sued, and have all the powers hereinafter given ; and may have and use a common seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, with the privilege of increasing the capital stock by a vote of two-thirds of the stockholders in interest, at any annual or special meeting, to any amount not exceeding two hundred thousand dollars. The incorporators, or any three of them, may open books and receive subscriptions at such times and places as they may determine upon ; and when two hundred and fifty shares shall have been subscribed, and twenty per cent. thereof paid in, the share-holders may elect a board of not less than five nor more than seven directors, who shall serve until the next annual election, which shall be on the first Tuesday of February of each year, or until their successors are duly elected and qualified ; and when the company shall have been organized, the said directors shall have the power and authority to have and to exercise, for and in the name of said company, all the rights and privileges herein given ; and should the capital stock at any time be increased, the stockholders at the time of said increase shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

Place of office.

§ 3. The principal office of said company shall be in the city of Richmond, Kentucky. All directors of said company shall be citizens of the State of Kentucky, and they shall keep a full and complete record of all of their proceedings.

Election of officers.

§ 4. The directors shall elect from their number, at each first meeting of the board after their election, a president and vice-president, who shall hold their offices for the period of one year, and until their successors are elected and qualified ; and may appoint a

secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require, fix their compensation and prescribe their duties. All elections for directors shall be *viva voce*; and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of ten shares. Vacancies occurring in the intervals of election shall be filled by the board of directors. At any meeting a quorum of the stockholders shall consist of stockholders owning at least ~~one-half~~ in value of all the capital stock, and a majority or more of the board of directors shall constitute a quorum.

§ 5. The board of directors shall make all by-laws By-laws, necessary for conducting the business of the corporation, and shall have power to require payment of the amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they shall think proper. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 6. Said corporation may purchase, erect or rent a building or premises, having a commodious and strong safety vault and a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes or compartments in such safety vault to such persons, and for such sums of money, and for such times, as may be agreed upon between such corporation and such persons as may, jointly or severally, rent one or more of said boxes or compartments. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same, by such officer as may be designated by the by-laws for that purpose, and may guarantee such special deposits for an agreed compensation from the depositors. Nature of business.

§ 7. The said corporation may be appointed, and

Fiduciary capacity.

may act as guardian of infants, as executor or administrator, or committee of lunatics or idiots, as receiver or assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation, association or municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept, execute and guarantee all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. The said corporation shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate set of books, and a separate account shall be kept with each estate committed to its care.

Investment of capital stock.

§ 8. One-half of the capital stock paid in, to an amount not exceeding twenty-five thousand dollars, shall be invested in such securities, and at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as the "trust security fund," and it shall be the duty of the company, through its president and secretary, to make a detailed statement, as often as required, to such court or courts as may

have committed any trust or trusts to said company of all such investments, together with a statement, as near as practicable, of the value of the estates and property so committed to said company, which statements shall be verified by the oath of one of said officers; and said trust security fund shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee, in any other capacity, and shall not be liable for any other debt or obligation of the company until all its liabilities in regard to its trusts as aforesaid shall have been first fully met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation; but nothing herein shall be construed to permit said company to discount paper, or to engage in the business of banking. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care, and to the parties in interest, at all times.

§ 9. The capital of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and any time thereafter, to examine the officers of the company, under oath or affirmation, as to the security aforesaid, and the amount and extent of its fiducial liabilities, and if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of said com-

Security of company for performance of its duties

pany, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held, the expense of such investigation to be paid by said company.

Duties and responsibilities in fiduciary capacity.

§ 10. In the exercise, by said company, of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the courts on or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

Dividends.

§ 11. Said corporation may, from time to time, declare and pay dividends ; but such dividends shall be only from the net earnings of the company.

§ 12. This act shall take effect and be in force from its passage.

Approved April 18, 1888.

CHAPTER 1038.

AN ACT to amend an act, entitled "An act to amend and reduce into one all the acts in relation to the corporation of the town of Campton, in Wolfe county," approved March 29, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to amend and reduce into one all the acts in relation to the corporation of the town of Campton, in Wolfe county, approved March 29, 1884, be amended by striking out of section 30 in said act, after the word "repair," in third line, to and including the word "find," in fifth line, and insert in

lien thereof these words: They shall lay off the streets, alleys and county roads inside of said town limits into as many road precincts as they think necessary, not to exceed six in number, and shall appoint one surveyor or overseer over each precinct. Said surveyors or overseers, for failing to keep their streets, alleys or roads in repair, may be indicted by the grand jury of Wolfe county, and be subject to the same penalties as surveyors for failing to keep the county roads in good repair.

§ 2. That section 32 of said act is hereby amended as follows: By striking out the word "fifteen," in third and fourth line of said section, and insert in lieu thereof the words "one hundred," and by adding the following to said section: The board of trustees shall have power to organize and operate a police force in said town, not to exceed six in number; and may enact such by-laws as they may deem necessary for the good government of said police force and said town.

§ 3. This act shall take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1041.

AN ACT to enable the trustees of school district number twelve (12); in Kenton county, Kentucky, to enlarge or make an addition to the school-house now used in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district number twelve (12), in Kenton county, Kentucky, be, and they are hereby, authorized to make such an addition to or enlargement of the school-house now used in said district, as may be by them deemed necessary for the accommodation of the children of said district; and all powers and authority now vested by

law in said trustees in reference to the building of new school-house are hereby conferred upon said trustees to enable them to make said addition to or enlargement of said school-house.

§ 2. This act shall be in force from its passage.

Approved April 13, 1888.

CHAPTER 1042.

AN ACT for the benefit of P. H. Gupton, late sheriff of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. H. Gupton, late sheriff of Ballard, be, and he is hereby, given further time, say two years, in which to collect unpaid taxes and fee bills which may be due him.

§ 2. That this act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1043.

AN ACT to amend the charter of Franklin Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Franklin Female College be, and same is, amended so as that the present capital stock may be increased by private subscription to an amount of not exceeding twenty thousand dollars in addition to that already provided for the same so subscribed, to be divided into shares of fifty dollars each share.

§ 2. That the holders of additional stock above provided for shall be upon an equal footing, with like powers and privileges, with the original stockholders.

§ 3. That the money raised by subscription herein provided for shall be paid to the board of managers of Franklin Female College, and same shall be expended by said board in erecting buildings for school purposes upon the ground now owned by said corporation.

§ 4. That the present board of managers of said college is perpetuated as such, with all the authority and rights and responsibilities thereto belonging and attaching, until other members are elected and qualified according to law.

§ 5. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1044.

AN ACT to amend an act, entitled "An act to create the office of road commissioner in Johnson county, and to provide for the appointment of the same," approved April 24, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections two and three of the said above entitled act be, and they are hereby, repealed and stricken therefrom, and that the aforesaid act be further amended as in the ensuing sections of this act.

§ 2. Power and jurisdiction over and the supervision of the public roads, ways and bridges, of Johnson county, are hereby vested in the said road commissioner. He shall have and exercise the power and authority to require and direct the surveyors of all road precincts therein, under the authority in them respectively vested, to make and keep existing or new roads in proper condition and repair, and to see that all labor or money due to the road under his authority is faithfully applied and expended thereon. Failure of any surveyor to comply with the requirements and

Supervision of roads, bridges, etc., vested in road commissioner, and defining his duties.

order of the road commissioner shall subject such surveyor to a fine of not less than five nor more than twenty dollars, recoverable by warrant, to be issued by the county judge, upon the report of such default by the road commissioner, if, on the hearing thereof, it shall be adjudged by the county court that it was within the lawful power of such surveyor to have rendered compliance with the order and requirement of the commissioner. The opening of new roads, change or discontinuance of old roads; the erection of bridges and making fills and culverts, are matters vested in the control and supervision of said road commissioner. When a new road is to established, or an old road changed, the commissioner may require the attendance of the county surveyor, or a viewer of his selection, to view and survey the newly proposed road or change, and shall report to the county court, describing the routes surveyed, with the names of the proprietors and tenants of the land over which the road or alteration is proposed to be established. Said report shall be accompanied with a statement of the probable cost of the right of way, and what, if any, agreement has or may be obtained from any proprietor or tenant as to the sum of damage to be paid him or them for such right of way, and shall accompany such report with any donation or relinquishment thereof, signed by the party making the same. Upon return of said report the further proceeding in said court shall be according to the requirements of the General Statutes upon the report of viewers returned into court, pursuant to order of court as provided therein: *Provided*, That if, upon the return of a writ of *ad quod damnum*, the award shall not exceed the sum proposed to be allowed for right of way and damage to such proprietor or tenant as shall have refused same, that the cost of the proceeding under said writ shall be deducted from the amount awarded, upon payment thereof.

§ 3. For any timber or other material required in

the construction or repair of a bridge, culvert or fill, the commissioner may contract and bind the county in its purchase. Bridges, fills or culverts, the cost whereof shall exceed one hundred dollars, shall be let to the lowest responsible bidder at public outcry, after the same shall have been advertised as to time, place and terms thereof not less than twenty days, by written or printed notices posted at the court-house door and in four other public places in the county, which advertisements must also state the place at which plans and specifications may be examined for a period of not less than five days before such letting; and it is hereby made the duty of the commissioner to furnish and have such plans and specifications at such place for and within the time aforesaid. Bond in such penalty, and in such terms and conditions, and with such security as he may prescribe, shall be required of the successful bidder, upon which all such damages as may accrue to the county from a breach of its conditions may be recovered in the name of the commissioner for the use and benefit of the county of Johnson.

§ 4. All reports made by the road commissioner shall be filed and preserved as a part of the public records of the county. The sums allowed for his compensation, and for expenditures made in the establishment, alteration and repair of roads, bridges and culverts, including such as shall be let to contract; all sums contracted or awarded for right of way or damages in the establishment or alteration of roads, shall be audited and allowed by the court of claims of Johnson county in favor of the persons entitled thereto, to be paid out of the county levy of said county; and it is hereby made the duty of the said court of claims to provide for the payment thereof out of the ad valorem tax now allowed to be levied by the said court: *Provided*, That the levy for all such purposes shall not exceed fifteen cents on each one hundred dollars of taxable property in

Commissioner
may contract for
material.

Reports of com-
missioner, how
made.

said county for any one year, and that no expense, debt or liability shall be incurred in respect to the roads and bridges of said county, in any one year, that may not be discharged and paid out of the levy of fifteen cents on each one hundred dollars of taxable property for the year.

§ 5. Nothing contained in this act, nor in the act to which this is an amendment, shall be construed to repeal the provisions of chapter 94 of the General Statutes, except in so far as the provisions hereof are repugnant to or inconsistent with the provisions of said charter.

§ 6. This act shall take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1045.

AN ACT to regulate the sale of spirituous, vinous and malt liquors in Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Unlawful to sell
liquors.

§ 1. That it shall not be lawful for the county court of Trimble county to grant a license to any tavern-keeper, merchant, saloon-keeper, or any other person, to sell spirituous, vinous or malt liquors in the county of Trimble.

Prescription.

§ 2. The provisions of this act shall not apply to druggists who sell for medical purposes on a prescription made and signed by a regular practicing physician, in which shall be named the person for whom the said liquor is intended.

Druggist.

§ 3. It shall be the duty of each and every druggist to report to the county judge, once in every six months, a list, giving the names of the physicians prescribing and for whom the prescriptions have been made, together with the quantity sold, which report

shall be signed and sworn to and filed with the county judge.

§ 4. No physician shall make or sign any such pre-^{Physician.}scription unless the liquor is required as a medicine; and any physician or druggist who shall be guilty of a violation of any of the provisions of this act shall, on conviction (under an indictment of the grand jury), be fined sixty dollars for each offense.

§ 5. This act shall not become a law until ratified by ^{Vote.}a majority of voters of said county voting at an election to be held at the regular voting places in said county on the 21st day of July, 1888.

§ 6. It shall be the duty of the county court clerk ^{County clerk.}of said county to prepare the poll-books for said election with two columns, one for the sale of spirituous, vinous and malt liquors, and the other against the sale of spirituous, vinous and malt liquors, and the officers of said election shall be appointed as now provided by law for other elections, and shall certify the result of said vote in the same manner; and if this act shall receive a majority of all the votes cast in the county, the comparing board of election for said county shall certify the same to the county court, and the judge of said court shall order the same spread upon the records of the court; and when said certificate is so ordered and spread upon the records of the court, this act shall be in full force: *Provided*, That any person or persons who may, at the time of said election, have license to sell liquor as a beverage, may continue to do so until the expiration of the time for which the license was given.

§ 7. That after the entry of the result of said elec-^{Penalty.}tion shall have been made, the sale of spirituous, vinous or malt liquors in said county shall be considered a misdemeanor, and punished by a fine of not less than twenty dollars or more than sixty dollars for each offense, and each sale shall be considered a separate offense.

§ 8. That the county judge of said county is author-^{County judge.}

ized to issue a warrant of arrest, upon the oath of any respectable citizen of said county, against any one charged with the offense of violating the provisions of this act, or they may be indicted and tried by the circuit court.

Second vote.

§ 9. That should a majority of those voting at said election vote for the sale of liquor in said county, authority is hereby given the county judge of Trimble county to call another election for the same purpose at some other time, not less than two years from the time of holding the first election; and should a majority of the voters who voted at the second election vote against the sale of liquor in said county, and the result thereof entered of record, then the provisions of this act shall at once thereafter be in full force and effect, as though a majority had voted against said sale at the first election authorized by this act.

§ 10. That this act shall be in force from its passage.

Approved April 18. 1888.

CHAPTER 1046.

AN ACT to amend an act, entitled "An act to charter the Cairo and Tennessee River Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act to charter the Cairo and Tennessee River Railroad Company," approved February 25, 1888, be, and is hereby, so amended as to permit the said company to branch their road from its main line, at some place in Trigg county, and run said branch to the Tennessee State line.

§ 2. That said company may branch their road from Mayfield, in Graves county, and run said branch to the Tennessee State line at some point in Calloway county, or to the Tennessee river in said county.

§ 3. That these branches shall be built under the provisions of the original charter of this company and the amendments to same, and the restrictions of the act to which this is an amendment, except as to the length of the branch.

§ 4. This act shall be in force from its passage.

Approved April 18, 1888.

CHAPTER 1047.

AN ACT to extend the corporation of the town of Dover, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporation of the town of Dover, Mason county, be, and the same is hereby, extended so as to include all the lots and lands included within the following boundary, to wit: Beginning at a point in Ohio river directly north of the west end of the eastern abutment in the railroad bridge over Lee's creek; thence due south to the Dover and Tuckahoe Ridge pike; thence with the east line of said pike to the wooden bridge over said Lee's creek; thence west with said Lee's creek to Cordry and Porter's line; thence west with Cordry and Porter's and Respass and Cordry's line to the mouth of Fox's lane; thence with said line to the east line of H. Bainum's farm; thence with Bainum's and Bennett's line north to the Ohio river; thence up said river to the beginning: *Provided, however,* That the property and population hereby added to said town be exempt from any tax heretofore imposed by said town: *Provided also,* That all lands and other property included in this act are to be exempt from any and all town taxes as long as said lands are used for farming purposes and not laid out and actually opened into town lots and streets and alleys.

§ 2. That it shall be the duty of the trustees of said town of Dover to cause the boundaries of said town, as established by this act, to be accurately surveyed, and durable marks of the boundary to be erected at the several corners thereof, and to cause a plat of the town to be made agreeably to said boundary, and have the same recorded in the clerk's office of the Mason county court.

§ 3. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1048.

AN ACT to incorporate the Providence and Red House Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Object.

§ 1. That a company is hereby formed for the purpose of building a road out of stone, gravel, plank, or other suitable substance, from a point on the Richmond and Lexington Turnpike, at or near the residence of Dr. Wm. T. Sexsmith, in Madison county, by way of Providence Church, to a point at or near the Red House depot on the Kentucky Central Railroad.

Capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five dollars each.

Subscription books.

§ 3. Books of subscription may be opened by Wm. H. Harber, Sandford Oldham, Calvin Burgin, William Bennett, C. M. Taylor and William Burgin, who are hereby appointed commissioners for that purpose. At such time as they, or either of them, shall think proper, they, or either of them, shall open a book, and the subscriber thereon shall sign an obligation in the following form, viz: "We, whose names are hereto subscribed respectively, promise to

pay the Providence and Red House Turnpike Road Company the sum of twenty-five dollars for each share of stock set opposite our names, in such proportions and at such times as shall be determined by the president and directors of said company."

§ 4. When the sum of one thousand dollars shall have been subscribed to the capital stock, it shall be the duty of some one of the commissioners named to give notice, in such manner as he may think proper, of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and three directors. One vote shall be allowed for each share of stock; and the officers of the company shall continue in office for one year, and until their successors are elected and qualified. The time and place of the election after the first election shall be fixed by the president and directors as above, a majority being sufficient to transact the business of the corporation.

§ 5. The company shall be known by the name and style of the Providence and Red House Turnpike Road Company; and by that name may sue and be sued in all the courts of the Commonwealth, contract and contracted with, and have all the franchises of a corporation.

§ 6. Said corporation is authorized to fix the route for the construction of the proposed road, the mode and manner of constructing same and repairing thereof when needed; may designate places for toll-gates, acquire land whereon to erect same; fix the rate of toll, regulate and change the same; but such rates shall not at any time exceed the rate now fixed by the general law for a road of five miles in length. After one mile of said road is completed, the corporation shall have the right to charge proportionate toll, and apply the same to the completion or repairing of said road, and so with each additional mile when completed.

§ 7. The corporation shall have all the rights and

authority to condemn lands and materials necessary for the construction of said road as is now provided by the general laws of this State for condemnation of same for railroads and turnpikes.

Offices.

§ 8. The company may, from time to time, appoint such officers and agents as they may need to construct said road and operate the same ; and may require of them bond and security for the faithful performance of the duties required of them, and discharge them whenever it chooses.

§ 9. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1049.

AN ACT authorizing the Fayette county court to subscribe stock to build certain turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Fayette county, Kentucky, a majority of the justices of the peace of said county concurring, be, and it is authorized to subscribe to the capital stock of any company organized, or that may hereafter be organized, to grade and macadamize the Todd's road, and the Walnut Hill dirt road, in Fayette county, not exceeding sixteen hundred dollars per mile for each mile hereafter constructed. Said county court are also authorized and empowered to subscribe a like sum per mile to the capital stock of any company organized, or that may hereafter be organized, to grade and macadamize the road running from Spear's store, on the Tate's Creek Turnpike Road, to the old Jack's creek dirt road ; and the said court is authorized to make said subscriptions, upon such terms and conditions to secure

the rights of the tax-payers, as said court may deem best.

§ 2. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1050.

AN ACT to amend an act, entitled "An act to amend the charters of the Midway and Elkhorn and Scott County and Elkhorn and Midway and Scott County Turnpike Roads Companies," approved March 8, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Midway and Scott County Turnpike Road Company be amended by permitting said Midway and Scott County Turnpike Road Company to erect another toll-gate on said turnpike road, at a point where the turnpike road leading from White Sulphur, in Scott county, intersects said Midway and Scott County Turnpike Road, for the purpose of gathering tolls.

§ 2. That said Midway and Scott County Turnpike Road be allowed to collect tolls at said gate at the same rate per mile as provided for by law, and no more.

§ 3. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1051.

AN ACT to amend an act, entitled "An act to incorporate the Turnersville and Vandever's Turnpike Road Company," approved March 16, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Lincoln county, a majority of the justices of the peace in commission

being present, are hereby authorized to subscribe stock in said road to the amount of seven hundred dollars for each mile which said turnpike company shall complete, instead of five hundred dollars named in the original act incorporating said company.

§ 2 That the president and directors of said turnpike company are hereby authorized to commence the building of said road at or near Vandever's, on the Danville and Hustonville Turnpike, towards Turnersville, by the way of McCormack's Church, in Lincoln county; and when they shall have completed four miles of said road they may erect a toll-gate, and receive toll on same at the rate fixed by the General Statutes of Kentucky.

§ 3. That this is to take effect and be in force from and after its passage.

Approved April 13, 1888.

CHAPTER 1052.

AN ACT for the benefit of the Ridge Turnpike Road Company, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be the duty of all persons living on or adjoining what is known as the Ridge Turnpike Road, in Shelby county, as now under the law governing other county roads, to furnish hands and teams to work, under the supervision of a surveyor appointed by the county judge, who shall have all the powers now granted under the law by other surveyors of county roads.

§ 2. No charges for labor or teams furnished under this act shall be made or paid for by the county court.

§ 3. Such persons as are included in this act shall be exempt from work on other county roads.

§ 4. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1053.

AN ACT to amend an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottsville, approved February 28, 1860, and the amendments thereto, and relating to the police court of said town," approved April 6, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 4 of an act, entitled "An act to amend an act, entitled 'An act amending and reducing into one the several acts relating to the town of Scottsville, approved February 28, 1860, and the amendments thereto, and relating to the police court of said town,'" passed at the present session, and approved on the sixth day of April, 1888, be, and the same is hereby, amended as follows: By adding at the close of section 4 the words, "This act shall not apply to any causes now pending upon the docket of said court."

§ 2. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1054.

AN ACT to incorporate the Frankfort Mining, Reducing and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That S. F. J. Trabue, W. W. Helm, Joseph Havlin, Marion Grubbs, D. M. Woodson, Joseph B. Wasson, R. C. Steele, J. A. I. Lee and John F. Rose, and all other persons that shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate and politic, by the name and style of Frankfort Mining, Reducing and Manufacturing Company; and by that name shall have,

they, their associates, successors, perpetual succession, and are made capable of contracting and being contracted with, to sue and be sued, to plead and be impleaded, and may acquire and own lands and other property, and any mineral rights and privileges in lands, without acquiring title to the land, for the purposes hereinafter stated; and may have and use a common seal, and may alter the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be two hundred thousand dollars, to be issued in shares of one hundred dollars each. Seventy-five thousand dollars of the capital stock is to be set aside and sold for the purpose of carrying on the business of said corporate company.

Capital stock increased.

§ 3. The capital stock of said company may be increased from two hundred thousand dollars to five hundred thousand dollars by a majority of the stock being represented in the vote of the stockholders for that purpose, each share being entitled to one vote at any regular meeting of said company, due notice being given to all of the stockholders at least ten days prior, setting forth the object and date of the meeting.

Subscription books.

§ 4. A majority of the corporators of said company shall have power to open books for subscription for the reserved stocks of said company, or to sell said reserved stocks as per section 2 of this act; and when the sum of twenty-five thousand dollars par value has been sold, then said company shall be fully authorized to proceed to business under this act of incorporation.

Liability of stock

§ 5. Stocks issued by this company shall not be liable to assessment for the debts incurred or improvements to be made by said company; and said stocks issued by said company shall be marked non-assessable.

First board of directors.

§ 6. The charter members named in the first section of this act shall have power to elect a board of di-

rectors, at least nine of their number, who shall constitute said board, and who shall serve as such for one year or until their successors are elected and qualified; said board of directors shall have power to make such by-laws as to them may be deemed proper for the government of the company; to provide for the election of president to preside over the deliberations of said company, and to perform such other duties as shall be made lawful for him to do and perform; and to elect other officers necessary to carry on the business of the company; also to adopt such other by-laws and regulations for the government of the business of the company as may be deemed fit and proper, and in keeping with the powers conferred by this act: *Provided*, That all laws passed and regulations adopted by said board of directors shall be in accordance with this act and the Constitution and laws of the State of Kentucky and of the United States.

§ 7. Stockholders under this act, owning stock issued by said company, shall be entitled to one vote only for each share of stock so owned; and where stock is represented by proxy, such proxy shall only be deemed valid for the purpose or purposes proposed when authorized by power of attorney, describing and directing the extent and purpose thereof, from the owner of the stock or from his or her legal representation.

§ 8. The stockholders of said company shall not be individually liable for the debts or contracts of said company. Individual liability.

§ 9. This act shall take effect and be in force from its passage.

Approved April 18, 1888.

CHAPTER 1055.

AN ACT to incorporate the Covington Trust and Security Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That Frank P. Helm, L. E. Casey, Charles McDonald, Robert Hamilton, H. B. Wells and O. J. Wiggins, and their successors and assigns, shall be a body-corporate, by the name of the Covington Trust and Security Company of Covington, and by that name have perpetual succession; and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock. § 2. The capital stock of said corporation shall consist of five hundred shares of the value of one hundred dollars each, with the privilege to increase the same by a vote of the stockholders (those holding two-thirds of all the capital stock assenting thereto), at an annual or special meeting, to any sum not exceeding one hundred thousand dollars; and the corporators, or the majority of them named in the first section of this act, shall have power to open books for subscription at such times and places as they may deem expedient; and when not less than one hundred shares shall have been subscribed, and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least ten thousand dollars shall have been paid on the capital stock), the share-holders may elect a board of not less than nine directors, which number may at any time be increased by a vote of the stockholders owning two-thirds in value of all the stock to any number not exceeding fifteen, the directors to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected, when the company shall have been organized, may, and they are hereby, author-

ized and empowered to have and to exercise, in the name and on behalf of the company, all the rights and privileges which are hereby given; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

§ 3. The principal office of the said company shall Principal office. be in the city of Covington. All the directors of the said company shall be citizens of the State of Kentucky, and shall reside therein, and shall keep a record of their proceedings.

§ 4. The board of directors shall divide itself by lot Directors. into three classes as nearly equal as may be. The term of office of the first class shall expire at the end of one year; that of the second class, at the end of two years, that of the third class, at the end of three years; and at the expiration of the first year, and annually thereafter, there shall be chosen a number of directors equal to the number of directors in the class whose term will then expire, who shall hold their office for three years, or until their successors are elected and qualified. Vacancies occurring in the intervals of elections shall be filled by the board.

§ 5. The directors shall elect from their number, at the first meeting of the board after their election, and annually thereafter, a president and vice-president, who shall hold their office for the term of one year and until their successors are elected and qualified; and may appoint a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require. All election for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him. At any meeting a quorum of the stockholders shall consist of stockholders owning at least one-third of the capital stock.

§ 6. The board of directors may make all such by-

laws as they may deem necessary for conducting the business of the corporation not inconsistent with the laws of this State. The directors shall have power to require payment of the amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they shall think proper, the said assessments to be made as the by-laws of said corporation shall direct. The corporation shall have a lien on the stock for any amount that may be due thereon.

Capital stock.

§ 7. The capital stock, to the extent of ten thousand dollars, and, in the event of an increase over seventy-five thousand dollars, then one-half of the capital stock paid in, shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, or may be invested in mortgages on real estate in any amount not exceeding two-thirds the appraised value of such real estate; and from time to time may be reinvested in the same, and shall be kept separate and apart from the other investments, and designated on the books of the company as "Investments of trust capital;" and it shall be the duty of the proper officers of the company annually, on or before the fifth day of January, or oftener if required by the court, to file in the Kenton circuit court a detailed statement, under oath or affirmation, of said investments; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee, in any other capacity; and shall not be liable for any other debt or obligation of the company until all its liabilities, in regard to its trusts as aforesaid, shall have been first fully met and discharged; the residue of the capital, and other money in the hands of the company, may be loaned or invested in such manner as may be determined by the by-laws of the corporation.

Real estate.

§ 8. Appraisement of real estate shall be made by a committee appointed from the directors at the an-

nual organization of the board of directors, and said committee of appraisement shall give bond in the sum of five thousand dollars each.

§ 9. The said corporation may be appointed and ^{Guardian.} may ~~act~~ as guardian of infants, as executors or administrators, or committee of lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court in this Commonwealth, or in any other ~~manner~~ not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estate and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association or municipality, State or public authority, and may receive and manage any sinking fund therefor; and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all its business of a fiduciary character shall be kept in a special and separate set of books.

§ 10. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty, said company shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of other powers and the performance of

other duties by said company may, as to compensation and otherwise, matters of contract with the parties interested.

Safety vault.

§ 11. Said corporation may purchase, erect or rent, at the option of the stockholders holding a majority in value of the stock, a building containing a commodious and strong safety vault, containing a number of small compartments or boxes designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time, as may be agreed between said corporations and such persons as may jointly or severally rent one or more of said boxes or compartments.

§ 12. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by any of its officers designated by its by-laws to do so, and may guarantee such special deposits.

§ 13. Said corporation may, until it secures a safety vault for the valuables intrusted to it, rent or hire boxes in the safety vault of any other company or corporation, or rent a room or rooms for its use until it shall erect or purchase a building.

Dividends.

§ 14. Said corporation may declare and pay, semi-annually, dividends from the net earnings of the company; but before declaring said dividends it shall reserve from said net earnings not less than ten per cent., and shall continue to do so until the amount thus reserved equals twenty per cent. of the paid-up capital stock.

§ 15. This act shall take effect and be in force from its passage.

Approved April 18, 1888.

CHAPTER 1056.

AN ACT to incorporate the Owensboro, West Louisville and Sebree City Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Williams, J. H. Rudy, J. F. Bland- Incorporators. ford, Sim. Mullican, J. C. Blandford, G. V. Triplett, Wm. Glenn, M. H. Hardin, V. Osborne, their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body politic and corporate, by the name and style of the Owensboro, West Louisville and Sebree City Railroad Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold, and transfer real and personal property, and to do any and all things necessary, proper or convenient to be done to carry out or facilitate the execution or operation of the purposes of this corporation, as completely as a natural person might do.

§ 2. The capital stock of said company may be any Capital stock. amount, not exceeding thirty thousand dollars per mile for each mile of road which said company shall build or own in this State, to be divided into shares of one hundred dollars each; and private persons, railroad companies and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company.

§ 3. The corporators named in the first section of First board. this act, or such of them as may act, shall constitute the first board of directors of said company, and may organize this corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree

upon and designate, and from their own number, or from such persons as they may associate with themselves. choose a president, and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend or ~~repeal~~ the same at will.

By-laws.

§ 4. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding elections of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for transaction of business. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary. All stockholders' meetings of this corporation, and all meetings of the board of directors, and all elections of officers by the board of directors, shall be held in this State.

Management.

§ 5. The president and directors shall have the management and control of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond with security for the faithful performance of his duties.

§ 6. It shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock of said company; said books to be opened at such times and places and continue them open such length of time, as may be necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such place as may be ordered and provided by the board of directors of said company. Subscription books.

§ 7. The said Owensboro, West Louisville and Seebree City Railroad Company shall be, and is hereby, authorized and empowered to locate, construct, maintain and operate, with such number of switches or side-tracks and telegraph lines as said corporation may need, and a line of railroad, on a strip of land not exceeding one hundred feet in width, from or near Owensboro, Daviess county, and in, by or near West Louisville, in said county, in, by or near Seebree City, in Webster county, and continuing to a point on the Cumberland river, in Lyon or Trigg counties, of Kentucky, together with turn-outs, engine houses, depots, and other buildings or structures whatsoever, and all rolling stock, engines and cars, machinery and other things that said corporation may deem necessary or proper for the prosecution of its business; and to acquire and hold all additional lands necessary and proper for their structure and operation. Build road.

§ 8. The said company may receive, by donation, purchase or otherwise, all lands necessary or proper for its road-bed, side-tracks, depot and warehouse, and other legitimate purposes, and all materials necessary or proper for the construction and maintenance of the railroad and its appurtenances. If such land or material can not be procured through voluntary agreement of the owners thereof, said company may have the same condemned, and pay therefor in the manner as now provided by law. Lands.

Powers.

§ 9. The said company shall have power to purchase and hold any connecting railroad in this State, and may subscribe stock to any such railroad company, and may consolidate said company with any other railroad company in this State, upon such conditions as may be agreed upon; and may lease and operate any railroad company connecting with said railroad, upon such terms as may be agreed upon between the companies so uniting, connecting or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection by lease, sale or otherwise.

Issue bonds.

§ 10. The Owensboro, West Louisville and Sebree City Railroad Company, in order to raise means for the construction, equipment and operation of its railroad, may issue and sell the bonds of said company to an amount not exceeding thirty thousand dollars per mile for each mile of railroad said company may build or own in this State, bearing not exceeding six per cent. per annum interest, payable semi-annually, with coupons attached, to be payable as said company may direct, not exceeding twenty years from their date of issue, and secure the payment of the principal and interest thereof by a mortgage or deed of trust conveying said railroad and other property and franchises of said corporation to a trustee or trustees; and from time to time to fill vacancies that may occur in the office of trustee, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

Contract for construction.

§ 11. The directors of said company may make contracts with any company, corporation, individual or individuals, for constructing and equipping said railroad or any part thereof, and pay for the same, wholly or partially, in the stock, bonds or other property of said company, in such manner and upon such conditions as may be deemed for the best interest of said company.

§ 12. That it shall be lawful for the corporate au- ^{Cities and towns take stock.} thorities of any incorporated city or town, through which said railroad shall be located, to denote or lease to said railroad company as right of way the right to lay a single or double track through said city or town, or any portion of same, on any street or highway that the said railroad company shall select for that purpose.

§ 13. The board of directors of said company shall ^{Rates.} have power to establish such rates of toll for the conveyance of persons and property on their said railroad, not exceeding the rates charged by other railroads in this State, or which may be established by general law regulating charges for freight and passage on railroads in this Commonwealth.

§ 14. Private property of stockholders shall be ex- ^{Private property.} empt from any and all debts incurred, or that may be incurred, by said Owensboro, West Louisville and Sebree City Railroad Company; and no liability of said company shall be recovered from the private property of the stockholders thereof.

§ 15. The said Owensboro, West Louisville and ^{Begin business.} Sebree City Railroad Company shall commence to construct and build said railroad within three years, and complete the same within six years from the passage of this act, otherwise this charter shall be void.

§ 16. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1057.

AN ACT to incorporate the Snyder's Scales and Gordon Ford Turnpike Road Company, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed and created a body-corporate and politic, under the name and style

of the Snyder's Scales and Gordon Ford Turnpike Road Company, for the purpose of constructing a turnpike road, beginning at Snyder's Scales, on the turnpike road running from Duncansville to Beaver creek, in said county; then the shortest and best route to the Gordon Ford, on Chaplin river; then the most practicable route to the Chaplin and Rock-bridge Turnpike Road; to have perpetual succession; and by the aforesaid name and style may sue and be sued, contract and be contracted with, and be impleaded in any of the courts in this Commonwealth; may sue and have a common seal, and may alter or amend the same at pleasure.

§ 2. The capital stock of said company shall be seven thousand dollars, and may be increased or diminished at the pleasure of the company, and shall be divided into shares of twenty-five (\$25) dollars each.

§ 3. That Thomas Brown, T. K. Snyder, B. D. Prather, P. C. Richardson, John Perkins, Merial Pinkston, W. H. Gordon, William Terril and A. Snyder, or any three of them who are willing to act, are hereby appointed commissioners, whose duty it shall be to open books for subscription of stock; and as soon as five hundred dollars shall have been subscribed, they shall give ten days' notice for a meeting of the stockholders for the purpose of electing a president and six directors, a majority of whom shall be competent to transact business, and to do all things authorized by this act to be done by the president and directors; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors and their successors in office, to be chosen annually at such times and places as said president and directors may from time to time appoint, who shall continue in office for one year, and until their successors are elected and qualified.

§ 4. That no person shall be eligible to the office of president or director who is not the owner of one or

more shares of stock in said road ; and at an election of said officers, each stockholder shall be entitled to one vote for each share of stock owned by him, and may be cast in person or by written proxy.

§ 5. The president and directors shall have power to appoint a treasurer and gate-keepers, and all other officers deemed necessary to effect the purpose of this act.

§ 6. The commissioners herein appointed shall procure a book for the purpose of taking subscription of stock in said company.

§ 7. The width of said road and the metal shall be the same as the Chaplin and Rockbridge Turnpike Road, and shall be graded to an elevation of not more than five degrees ; whenever two miles of said road is completed, may erect toll-gate and collect toll as allowed by law.

§ 8. That the president and directors shall have power to acquire the right of way, by purchase or donation, for said road, and locate the same, or to take steps authorized by the General Statutes to condemn the land over which the same may run, not to exceed thirty feet in width, and for toll-gate sites, and also for material from adjacent lands for the construction and repairing of said road.

§ 9. The county court of Washington county is empowered to subscribe to the capital stock of said company an amount, not exceeding one thousand dollars to the mile, as provided in the special act passed for said county.

§ 10. This act to take effect from its passage.

Approved April 13, 1888.

CHAPTER 1058.

AN ACT to incorporate the Windom Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That S. C. Lyne, Robert Clemons, Geo. Sutton, Massie Bryan and William C. Lyne, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Windom Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change the same at pleasure; and may acquire, by purchase, relinquishment or writ of *ad quod damnum*, the right of way for its road, upon the route it may adopt, ground for its toll-houses, not exceeding one acre to each, and rock, timber, and quarries, as may be necessary and proper in the construction and repair of their road.

Business. § 2. The said company is hereby authorized to construct a turnpike road from a point on the Danville and Lexington Turnpike, near Providence church, to a point on the Lexington and Harrodsburg Turnpike, a distance of about three miles from the beginning; thence from a point on the Lexington and Harrodsburg Turnpike, a distance of about one mile to the Keene and Elkhorn Turnpike; and they are also authorized to construct another branch, which shall extend from the main line, a distance of about three-fourths of a mile to the Fayette county line, to a point where the Clay's Mill pike meets the Jessamine county line. Said road to be located on a practicable route between said points; and in order to raise the funds necessary to construct said road, said company shall have power to raise a sum, by the issue and sale of

the capital stock, not to exceed twelve thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock shall ^{Subscription books.} be opened at Windom, in Jessamine county, Kentucky, and such other places as may be deemed best under the directions of the persons heretofore mentioned, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription list substantially as follows: We, whose names are hereunto subscribed, severally promise to pay to the Windom Turnpike Company, the sum of fifty dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be required by said company. Witness our hands this — day of —, 1888. When the sum of three thousand dollars shall have been subscribed to the capital stock of the company it shall be the duty of the commissioners named in this act to give notice, in such manner as they may think proper, of the meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections, after the first election, shall be fixed by the president and directors, and a majority of the board shall be competent to transact business; and said board, from one of their own num- ^{Officers.} ber, shall elect a treasurer and secretary, who shall be required to give bond with security, for the faithful use and disbursement of the funds which shall come into his hands.

§ 4. So soon as said company is organized by the ^{Organize.} election of a president and directors, as above provided, it shall be a body-politic and corporate, by the name and style of the Windom Turnpike Company,

and by that name shall have perpetual succession and all the privileges and franchises above enumerated, or which may be incident to such corporations.

Powers and
rights

§ 5. The president and directors shall have all powers and rights necessary for letting, contracting and completing the said road, subject to the instructions from the stockholders; they shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel; and may fix the rate of toll and alter the same at pleasure; but said rate shall not exceed the rate prescribed by chapter 110 of the General Statutes; and when two consecutive miles of said road shall have been completed and examined and approved by any two justices of the peace of Jessamine county, who shall examine same upon the application of the president of said road, the directors may establish a toll-gate and collect toll, under such rules and regulations as shall be prescribed by the directors and under the general law of the State.

Toll.

Certificates.

§ 6. Certificates of stock shall be signed by the president and countersigned by the secretary, shall be deemed personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe.

Right of way.

§ 7. The president and directors of said company are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way to said turnpike road, and the use of materials for building and repairing same; and said company may procure from the Jessamine county court, by an order entered on the records thereof, the right of way over any road over which said county has control, for the purpose of building the lines of turnpike above described.

§ 8. That the private property of the stockholders shall be exempt from the debts of said company.

§ 9. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1059.

AN ACT to enlarge and extend the boundary of the town of Cadiz, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate limits of the town of Cadiz, in Trigg county, be so enlarged and extended so as to embrace the following boundary, viz: Beginning at the north-west corner of the bridge across Little river, on the road leading from Cadiz to Clarksville, Tennessee; thence down the said river, on the north side thereof, with its meanders, to the "Campbell spring," on the bank of said river, at or near the lower end of Dyer's, now Thompson's, field; thence a straight line to a stone in the center of the Cadiz and Rockcastle road, near to, and so as to include, the dwelling-house of Ellen Miller; thence a straight line to a stone in the center of the Cadiz and Madisonville road, near to, and so as to include, the dwelling-house of Geo. W. Hayden; thence a straight line to a point in the Canton, Cadiz and Hopkinsville Turnpike Road, near to, and so as to include, the tobacco factory of R. G. Jones, on said road; thence across said pike a straight line to a stone at the foot of the hill; thence a straight line to the beginning, including the dwelling house and cooper shop now occupied by John Pool.

§ 2. That the territory thus embraced and included in the said boundary shall, for all purposes, be considered part of the said town of Cadiz, and shall, together with the citizens thereof, be subject to its laws, ordinances, liabilities, rules and regulations, as though heretofore embraced in its corporate boundary.

§ 3. That such parts of the public roads as are included within the corporate limits of said town, as thus extended and enlarged, shall be streets of said town, and kept in good condition as required by law.

§ 4. The trustees of said town may open and keep in good condition other streets in the said extension as the convenience of the citizens may require; and may acquire the right of way for such streets by purchase or donation, or have the said right of way condemned by proceedings in the Trigg county court, as fixed by law for condemning right of way for railroads and turnpike roads; and said streets shall be named by the trustees.

§ 5. No lands used exclusively for farming purposes included within the said extension to said town shall be subject to taxation thereon, except that the buildings on such lands, including two acres of land surrounding same, shall be subject to taxation in said town.

§ 6. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1060.

AN ACT to incorporate the town of Hinton, in Scott and Harrison counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Limits.

§ 1. That the town of Hinton, in the counties of Scott and Harrison, be, and the same is hereby, established and incorporated, the limits to extend one-half mile in every direction from W. N. Penn's store-house, on the corner of Main and Davis streets.

Trustees.

§ 2. That R. R. Hutcherson, W. N. Penn, G. B. Butler, Rufus Lancaster and C. Million, are hereby appointed trustees of said town, who shall hold their offices until the first Monday in August, 1888; and that

Police judge.

J. M. Ackerman be appointed police judge, and Wm. Sempsrott town marshal, until the first Monday in August, 1888, or until their successors are elected and qualified; and that their successors shall be chosen

on the first Saturday in 1888, and annually thereafter the aforesaid number of trustees, police judge and town marshal, by the qualified voters—property-owners—within the corporate limits.

§ 3. Said trustees and their successors shall be a Duties of trustees body-corporate, and shall be known as the board of trustees of the town of Hinton; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary; and all business transacted at a call meeting shall be as valid as at a regular meeting.

§ 5. The jurisdiction of the police judge shall be in Police jurisdiction. civil cases concurrent with that of a justice of the peace, and in misdemeanors and in powers to hold examining courts the same as that of a justice of the peace; and his fees shall be the same as the fees allowed a justice of the peace for similar services. Before the police judge of said town shall enter upon the duties of his office, he shall take an oath before some officer authorized to administer oaths to faithfully discharge his duties as police judge of said town. The town marshal shall have the powers and privileges of a constable, and his fees shall be the same as constables for like services. He shall give bond and qualify in the Scott and Harrison county courts in the same manner as constables are required by law to do.

§ 6. That said trustees shall have power over the Streets. streets, alleys and sidewalks of said town, and may direct the opening or improving of the same in a legal manner, when the public interest requires it; but if the consent of the owner of the land is not obtained for it to be so used, writs of *ad quod damnum* shall

Tax.

issue, as in other cases of condemning other property for public use. They shall have power to make all by-laws for the regulations and government of said town, and not inconsistent with the Constitution of the United States and of this Commonwealth. They shall have power to levy and collect annually a tax upon the property and tithes in said town, real and personal, not exempt from taxation by existing laws. Said tax shall not exceed twenty-five cents on each one hundred dollars' worth of property, and shall not exceed one dollar on each tithe, to be applied to the improvement of the streets and sidewalks in said town. It shall be the duty of said trustees to appoint a treasurer and a clerk, and to take bond, with good surety, of them, for the faithful performance of their duties. For a violation of duty, or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction, in the name of said trustees, for the benefit of said town. A majority of said trustees may, for good cause, remove any such officer and appoint another person to fill the vacancy.

Fines and forfeitures.

§ 7. That all fines and forfeitures imposed and collected under ordinances and by-laws of said town, shall be paid to the treasurer of the town for the use and benefit of the corporation; and the treasurer shall keep a book for keeping accounts of all moneys or other things coming into his hands belonging to the corporation, and what disposition is made of such moneys and things.

License.

§ 8. That said trustees shall have power to license shows and public exhibitions in said town, and may fix the license fee therefor at any sum in their discretion; but this shall not interfere with general laws requiring State or county license, nor apply to any school exhibition, religious entertainment, or public exhibition originating in the town.

§ 9. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1061.

AN ACT to incorporate the Butler and Boston Turnpike Road Company, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Ellis, Perry Yelton, John Beckett, Gano Beckett and W. L. Bonar, of Pendleton county, and their successors, be, and are hereby, created a body-corporate, with perpetual succession, with power to sue and be sued, plead and impleaded.

§ 2. The business of said corporation shall be to construct and operate a turnpike road in Pendleton county, commencing at Butler and terminating at Boston, in said county.

§ 3. The capital stock of said company shall be in shares of twenty-five dollars each, and shall not exceed three thousand dollars.

§ 4. That the private property of the stockholders shall be exempt from corporate debts.

§ 5. That there shall be a board of five directors elected from the stockholders on the first Saturday in January each year, to control and manage the affairs of said company. They shall select a president, secretary and treasurer from among their number, and require them to give such bond as they deem best.

§ 6. That the parties named as incorporators shall constitute the first board of directors, and serve until the first Saturday in January, 1889.

§ 7. The name of the corporation shall be the "Butler and Boston Turnpike Road Company," and the principal place of business shall be Butler, Kentucky.

§ 8. That in constructing said road, if it is necessary to locate the same on any portion of any of the county road, the company shall have the right to do so.

§ 9. That the company shall have the right to erect and maintain a gate at any point they may think best,

but shall charge only such tolls as is provided for in the General Statutes of Kentucky.

§ 10. This act shall take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1062.

AN ACT authorizing the county court of Garrard county to subscribe to the capital stock of any railroad company in said county, not exceeding the right of way, and submitting the same to a vote of the people.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful for the judge of the Garrard
Subscribe stock. county court, a majority of the justices of the peace for said county being present and concurring therein, to take stock and subscribe for stock in any railroad company that may or shall propose to build, construct and operate a railroad through the county of Garrard, such subscription to be made in behalf of the precincts in said county through which said road is to be constructed.

Vote. § 2. Before any subscription is made, it shall be the duty of the county judge of said Garrard county to submit to the qualified voters of any precinct or precincts of said county, through which it is proposed to construct a railroad, the question whether stock shall or shall not be taken in said railroad company by such precinct or precincts in said county. He shall, by an order of record, appoint the time of holding the election to take the sense of the voters of said precinct or precincts on said question; the election to be held at the different voting places by officers appointed by the county judge of said county court; and thirty days' notice shall be given, by printed posters, put up in three conspicuous places

in any such precinct or precincts, of the time and purpose of said election. The amount of stock proposed to be taken and subscribed for shall be stated in the order submitting the question to the voters of the precinct or precincts. The returns of the votes and election to be made and compared in the way and manner as returns are required to be made and compared in case of an election for Representative of the Commonwealth of Kentucky, and the result to be entered of record by the clerk of said county.

§ 3. If, at an election held as authorized herein, a majority of the qualified voters of the precinct or precincts to which said question has been submitted, vote in favor of taking and subscribing for the amount of stock specified in the order submitting the question to the voters, then the county judge of the county court shall subscribe for and take, on the behalf of the precinct or precincts, the amount of stock so stated in said order.

§ 4. The county judge shall issue the bonds of the said precinct or precincts so voting to take stock to the amount of stock voted; the bonds issued shall run from one to twenty years, inclusive; and one-twentieth of the total amount of said bonds shall be due and payable at the expiration of each year, and bearing interest at the rate of six per cent. per annum, payable annually, in the town of Lancaster, Kentucky, and payable at such times as shall be designated on the face of the bonds; said bonds shall, on their face, state that the money received from the sale of same shall be expended in building and constructing a railroad through the county of Garrard. The money so realized from the sale of said bonds to be paid on the work as said railroad progresses through said county, and to be paid to the treasurer of said railroad company by check on one of the national banks of Lancaster, Kentucky; said check to be signed by the commissioner hereinafter named. The money realized from the sale of Bonds.

any of said bonds to be, by the purchaser thereof, placed to the credit of a commissioner (appointed by the county judge) in either of said banks; said commissioner shall be required to execute bond, with approved security, for the faithful discharge of his duties, and shall have a reasonable allowance for his services. The bonds shall be signed by the county judge, and delivered to the purchaser only when the purchaser has paid the money for same in the banks as aforesaid. The county judge shall, publicly or privately, sell and dispose of such bonds, but shall not sell them for less than one hundred cents to the dollar.

§ 5. The said precinct or precincts shall have stock in said company to the amount realized from the sale of such bonds, and paid as herein directed to said railroad company.

Tax. § 6. It is made the duty of the county judge and magistrates of said county, as a county court, to levy annually a tax upon all the property in said precinct or precincts that may be listed and taxed under the revenue laws of this State for general taxation, a sum sufficient to pay the interest on said bonds as it may accrue, and the principal of said bonds as they become due, and the cost of collecting said tax.

Sheriff. § 7. The sheriff of Garrard county shall be the collector of said tax so levied to pay the face and interest of said bonds, and shall receive for his services the same compensation he gets for collecting the revenue for the State. The sheriff or his deputies shall be responsible in the same way, and to the same extent, that they are responsible for the State revenue, and same proceedings be instituted against him and his deputies, that can or may be instituted to enforce the payment of the State revenue; but the action against the sheriff and his deputies to enforce the payment of the tax collected by them, or any of them, under this act, shall be in the Garrard circuit court.

§ 8. The county judge, in making the order submit-

ting the question of taking stock in said railroad company to the voters of said precinct or precincts, will let the order show that the amount to be subscribed is a sum necessary to pay for the right of way through said precinct or precincts for said railroad, and in no event is it to exceed the sum necessary to pay for such right of way.

§ 9. This act shall be in force from and after its passage.

Approved April 13, 1888.

CHAPTER 1063.

AN ACT to incorporate the town of Sandy Hook, in Elliott county, and to repeal an act, entitled "An act to incorporate the town of Martinsburg, in Elliott county," approved February 2, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Sandy Hook, in the county of Elliott; be, and the same is hereby, incorporated, and the boundary of said town shall be as follows: Beginning at a beech tree at the mouth of a small drain, just below L. C. Prichard's dwelling-house; thence, running up with said drain to the forks of the same; thence, with the right-hand fork of said drain to a beech standing in said drain, near the point where the old cross-fence use to be; thence a straight line to a large holly standing in L. C. Prichard's field; thence, a straight line, running with two sugar trees, to the corner of the F. M. Mannin lot, next to a small drain; thence with said F. M. Mannin lot to the county road; thence a stright line to Sandy creek; thence up Sandy creek to the beginning.

§ 2. That the qualified voters of the town of Sandy Hook shall, on the first Saturday in March, 1889, and at the same time in each year thereafter, meet at the court house in said town, and elect three trustees for said town, who shall hold their offices for the term of

one year, and until their successors are elected and qualified. That said trustees shall elect one of their body as chairman, who shall preside at all the meetings of said board and sign the records of their proceedings; that the chairman shall have the power to adjourn the sessions of said board, and to call meetings at such time and place as he may designate; that said board shall have power to appoint a clerk to record the proceedings of said board, and a treasurer to receive and disburse all the money belonging to this corporation, under the order and direction of said board; and appoint an assessor to assess the property and list the tithes of said town.

Police judge.

§ 3. That on the first Saturday in March, 1889, and every two years thereafter, said voters of said town shall meet at the court-house in said town and elect a police judge and a town marshal, who shall hold their office for the term of two years, and until their successors shall be elected and qualified; that said police judge shall have the same jurisdiction in civil cases as a justice of the peace, and in penal or criminal cases shall have all the power and jurisdiction of a county judge, except in holding court of inquiry in cases of homicides, in which cases he shall not be empowered to act, unless the county judge is absent from the county, or otherwise disqualified, in which event said police judge shall have the same jurisdiction in such cases that the county judge now has, and shall have entire and exclusive jurisdiction of all cases arising under a violation of the by-laws and ordinances of the trustees of said town; and shall receive for his services the same fees as are allowed justices of the peace for like services: *Provided*, That a change of venue may be had to a justice of the peace, and appeals may be taken from the judgments of said police judge, in the same manner and under the same rules as is now required by law regulating changes of venue and appeals from a justice of the peace.

§ 4. That said town marshal shall collect the taxes

and revenues of said town, and all executions and Marshal. attachments and assessments that may be issued by said police judge; and execute and return all process and precepts that may be issued by him or any county judge or justice of the peace that may be directed to him; and may perform all duties that a constable may rightfully perform, and be subject to all the penalties that constables are subject to for a failure to perform his official duty; and may be proceeded against by suit or motion in the same manner; and shall receive for his services the same fees as are allowed constables for like services. Before he shall enter on the discharge of the duties of his office he shall execute bond in the Elliott county court, with good surety, for the faithful performance of the duties of his office. Any person having a right to do so may sue on said bond in any court having jurisdiction, or motion against said marshal before said police judge, and recover judgment against said marshal and his sureties for all moneys collected on execution, attachment, fee-bill, note, account or other demand placed in his hands for collection; and also all such per cent. or damages allowed by law against constables for failing to pay over money when collected, or to return any execution or other process placed in his hands.

§ 5. That before any of the officers before named Oath. shall enter upon the discharge of their several duties, they shall take the several oaths prescribed by the Constitution and laws of this State.

§ 6. That when from any cause the office of marshal Vacancies. or trustees of said town becomes vacant, the judge of the Elliott county court is hereby empowered to appoint said marshal, trustee or trustees, as the case may be, to fill said vacancy, the same to be as binding and to have the same effect as if the said officer was elected.

§ 7. That said trustees and their successors shall be Corporate name. a body-corporate, and by the name of the "Trustees of the Town of Sandy Hook" may sue and be sued,

plead and be impleaded, in all courts of common law or equity jurisdiction ; use a common seal, and alter the same at pleasure, and have perpetual succession.

Police court.

§ 8. There shall be a police court held in said town of Sandy Hook in each month in the year, except in the months in which the circuit court for said county is held, and continue in session so long as the business shall require. The county judge shall fix the day of the commencement of said police courts, and note the same on his order-book, of which public notice shall be given by printed or written handbills, posted on some conspicuous object, in three or more places in said town. If the time of holding court be changed, notice thereof shall be given in like manner.

Election.

§ 9. That the first election to be held herein shall be conducted by the clerk of the Elliott county court, who shall certify the poll-book, compare the same, and give certificates of election ; the certificate of election of police judge shall be certified to the Governor of this Commonwealth, who shall issue a commission to the person thus elected ; and all elections to be held thereafter shall be held by two or more of said trustees or the clerk of the Elliott county court, who shall certify as before directed.

§ 10. That the act incorporating the town of Martinsburg, in Elliott county, approved February 2, 1872, be, and the same is hereby, repealed.

§ 11. This act shall take effect from and after its passage.

Approved April 13, 1888.

CHAPTER 1064.

AN ACT to amend an act for the benefit of Jefferson county, approved February 5, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of the act to which this is an amendment be, and the same is hereby, repealed.

§ 2. That the following words in section 2 of the act to which this is an amendment, viz: "In addition to a poll tax of one dollar and fifty cents" be, and the same are hereby, stricken out of said section.

§ 3. That nothing in this act shall be construed to repeal or impair the ad valorem tax, the poor-house tax, and the road tax, now allowed by law.

§ 4. This act shall take effect from its passage.

Approved April 14, 1888.

CHAPTER 1065.

AN ACT to amend an act, entitled "An act to establish the office of physician to the jail of Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That in lieu of an act approved March 15, 1870, entitled "An act to establish the office of physician to the jail of Jefferson county," the following law shall prevail :

§ 1. That the levy court of the county of Jefferson shall, at its March term of the year 1890, and at the same time each succeeding four years thereafter, elect a physician to the jail of said county, who shall enter upon the discharge of the duties of said office on the first Monday of the November following, and shall hold said office for the term of four years, and until his successor shall qualify.

§ 2. It shall be the duty of said physician to attend upon and prescribe for all persons who may be confined in said jail by order of the courts of the State.

§ 3. That said physician shall receive as compensation for his services the sum of twelve hundred dollars per annum, to be paid by the city of Louisville and county of Jefferson, *pro rata*, as may be agreed upon by said city and county.

§ 4. This act shall take effect from and after its passage, with the exception of that part of section 1 fixing the date of election; and that shall take effect on and after the first Monday in March, 1890.

§ 5. All laws and parts of laws coming in conflict with this act are hereby repealed.

Approved April 14, 1888.

CHAPTER 1066.

AN ACT to amend an act to amend and reduce into one all the acts relating to the town of Belle Point, in Franklin county, approved April 4, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend and reduce into one all the acts relating to the town of Belle Point, in Franklin county, approved April 4, 1884, be, and the same is hereby, amended as follows, to-wit:

a. That the trustees of said town shall be elected on the second Tuesday in December, 1888, and each year thereafter, for the term of one year, and until their successors are duly elected and qualified. And no one shall be eligible to hold the office of trustee who is not a bona fide property holder of said town.

b. That the police judge and marshal of said town shall be elected on the second Tuesday in December, 1888, and every two years thereafter, for the term of two years, and until their successors are duly elected and qualified.

c. That such trustees, police judge and marshal, shall respectively take the oath required by the Constitution and laws of this State, and execute bond when so required by law, and enter upon the discharge of the duties of his said office on the first Tuesday in January next after his election.

d. That the trustees, police judge and marshal, of said town, now in office, shall hold their respective offices until the first Tuesday in January, 1889, and be responsible for the proper and faithful discharge of all the duties now required by law up to that date.

e. That if any such trustee, police judge or marshal, should fail to qualify on the first Tuesday in January next after his election, or resign or die, or become disqualified to hold his office, the trustees of said town shall have power to fill such vacancy for the remainder of the term.

§ 2. That no one shall be entitled or allowed to vote for any of the officers above-named who has not, before he offers to vote, fully paid off all taxes assessed against him by the authorities of said town.

§ 3. That when a street is extended or opened in said town through lands not laid off into lots, the holder of such lands shall not be compelled to improve the sidewalks thereon until such abutting land is laid off into lots; but after such lands are laid off into lots, the holders of such lots may be required to improve the sidewalks, as provided for in section 7 of the act to which this is an amendment.

§ 4. That this act take effect and be in force from and after its passage.

Approved April 14, 1888.

CHAPTER 1067.

AN ACT to incorporate the Spears Mill Turnpike Company, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That Bennett E. Bean, John W. Thomas, L. H. Reynolds, Douglas Thomas, J. W. Beford and Daniel Welch, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Spears Mill Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change the same at pleasure.

Business. § 2. The said company is hereby authorized and empowered to construct a turnpike road on the McAdams plan, from a point on the Seamond's Mill and Stony Point Turnpike, in Bourbon county, beginning at the gate of George Thomas and running on the land of said George Thomas to the gate entering the farm of E. K. Thomas; thence adjoining the fence between the lands of E. K. Thomas and George Thomas; and on the land of said E. K. Thomas to the land of Melvina Moore; thence equally on the line between Melvina Moore and E. K. Thomas, to the line between said Thomas and L. H. Reynolds; thence on the line between said Thomas and Reynolds to the land of John W. Thomas; thence on the most available route to a point on the Bourbon Mills Turnpike, near the bridge over Stony creek, on said pike. In consideration of the right of way through his farm, to be donated by said E. K. Thomas, the turnpike company shall not erect a toll-house on, or condemn for that purpose any land owned by, said E. K. Thomas.

§ 3. The capital stock of said company shall not Capital stock. exceed ten thousand dollars (\$10,000). Books for the subscription of stock shall be opened in the town of North Middletown, or such other place as may be deemed best, under the direction of the persons heretofore named, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription list substantially as follows: "We, whose names are hereto subscribed, severally promise to pay to the Spears Mill Turnpike Company the sum set opposite our names in such manner and proportion, and at such times as shall be required by the company." When a sufficient amount shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this act to give notice, in such manner as they may think proper, of a meeting of the stockholders of the said company, at such time and place as may be specified in such notice, for the purpose of electing a president and three directors; one vote shall be allowed for each share of stock, and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections, after the first election, shall be fixed by the president and directors, and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the Elect officers. election of a president and directors as above provided, they shall be a body-politic and corporate, by the name and style of the Spears Mill Turnpike Company, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and taking and holding, by purchase or gift, all such lands, tenements and hereditaments, real or personal property, as may be necessary for the prosecution of its work or the objects of this corporation.

§ 5. That the president of said company may call
Meetings. meetings of the board of directors whenever he may
think proper, and on application of any two directors
Officers. to him, he shall call such meeting; the board of directors shall have power to elect a secretary and treasurer, and such other officers as they may think necessary, and to fill such vacancies as may occur in said board during their term of office. Said board may require of their treasurer, before he assumes the duties of his office, a bond for the faithful and honest discharge of his duties, and to faithfully account for all moneys that may come to his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of its proceedings, which shall be signed by the president; and in the absence of the president, the board may elect a president *pro tem*. Said board shall have power to make all necessary by-laws and regulations for the government of said company, and may sue for and recover, in the name of said company, from delinquent stockholders or subscribers for stock, the amount due and unpaid upon any share or shares of stock in said company.

§ 6. The president and directors of said company,
Right of way. and their employes, are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way for said turnpike road, and the use of materials for building and repairing said road; and when either the right of way or any of the materials necessary for the construction of said road can not be acquired by consent or purchase, said president and directors may apply to the county court of Bourbon county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of said land; and the jury in assessing the damages, after giving the claimant the actual value of the land taken, shall take into consideration the advantages resulting to the party or parties claiming damages, and set the same off against any damages resulting to

the residue of the tract by the construction of the road ; and upon the payment of the damages assessed, or the tender thereof, it shall be lawful for said company and its employes to make said road, and to dig and carry away any stone or other material necessary for the construction or repair of said road ; and said company may acquire, by purchase or by writ of *ad quod damnum* as above set forth, land not exceeding two acres for the purpose of erecting a toll-house on said road ; but such toll-house, in consideration of the right of way, to be donated as mentioned in section 2, shall not be erected on the lands now owned by E. K. Thomas.

§ 7. The president and directors of said company ^{Dividends.} may make and declare equitable dividends of the surplus earnings of said company among the stockholders, according to their respective shares, after paying the expenses of said company.

§ 8. Certificates of stock in said company shall be signed by the president and countersigned by the secretary; shall be deemed personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe. ^{Certificate of stock.}

§ 9. The capital stock of said company shall be used in the procurement of the right of way, materials and so forth, and in constructing said road, and in defraying all legitimate expenses incident to the construction of said road, and for no other purpose whatever, and the stockholders in said company shall only be bound to the extent of their stock in said road.

§ 10. The county court of Bourbon county may subscribe to the capital stock of said turnpike to any amount allowed by law at the time the subscription is made, and may appropriate an amount not greater than \$5,000 for the purpose of erecting a bridge over Stoner creek, on said turnpike.

§ 11. This act shall take effect from and after its passage.

Approved April 14, 1888.

CHAPTER 1068.

AN ACT to provide for levying a tax and working the public roads of Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Appoint surveyors. § 1. That the county judge of Fulton county shall have control of the public roads in said county, and shall, from time to time, appoint a suitable person as surveyor of each road precinct, who shall hold his office for the term of two years, or until his successor shall be appointed. Said surveyor, when appointed, shall be notified as now required by law under the General Statutes.

Duties. § 2. Said surveyor, upon notification of his appointment, shall proceed to take charge of all the road tools that belong to his respective road district, and account for the same, as well as all moneys that may come to his hands by virtue of his office aforesaid, and take charge of the road, or that portion assigned him in his road district, and shall see that the same is kept in good repair at all times, and at the expiration of his term he shall turn over to his successor all road tools and moneys in his hands which belongs to his said road district, and take a receipt for same.

Duties of citizens § 3. That all male citizens of Fulton county, between the ages of sixteen and fifty years, who have physical ability to labor, except licensed ministers of the gospel and residents of incorporated towns, shall be taxed not less than three nor more than six dollars "per capita," each year, to be determined by the court of claims each year, payable in money or work on the public roads in their respective districts, to be performed at any time upon one days' notice by the surveyor; and each person so taxed shall be allowed one dollar per day for each days' work of not less than eight hours labor. Any person may pay his tax by furnishing an able-bodied substitute, at one dollar per

day of eight hours labor, or double team and plow, or team and wagon, at two dollars per day of eight hours labor.

§ 4. That the county judge shall, in conjunction with the surveyor, give such instructions as in their judgment they may think best to put said precinct of road in good repair. Said surveyor shall have power to build such culverts and bridges as in his judgment he may think necessary, with the hands and other means belonging to his precinct of road.

§ 5. That each surveyor shall furnish the county judge with a list of the names of those persons who have failed to pay their per capita tax in work or money, and the same shall be placed in the hands of the sheriff, who shall proceed to collect the amount due from each of them in the same manner that taxes for other purposes are collected, with ten per cent. damages for failing to pay same when due, which said ten per centum will be retained by the sheriff in full of his commission for making said collection. He shall account for and pay over the remainder to the overseer of the precinct of road to which same properly belongs, and for the faithful discharge of his duties herein the sheriff shall be liable on his county levy bond.

§ 6. That the surveyors shall, during the months of April, May, July or August, notify all persons subject to pay a "per capita" tax in their respective districts as herein provided to work the roads; and that those who are liable to tax or work shall do efficient work of eight hours each actual labor; and the surveyors shall keep a time-table, and shall give each person credit by one dollar for each eight hours of actual labor. Said surveyor shall cause the same to be done in accordance with his best judgment. The surveyor shall have power to contract for timber and any other materials necessary for repairing the roads, building bridges or culverts; also, may contract for teams, plows and

wagons, with any person in his district subject to tax, and credit said person by two dollars for each day's work of eight hours with such team, plow or wagon, and shall deduct twenty-five cents per hour for each hour less than eight per day. Said surveyors shall keep their roads open the width required in their orders, remove all leaning timber near the road, and overhanging bushes and limbs, and shall, without delay, remove all timbers or other obstructions in the roads in their districts; and may require the aid of any hands, and give them credit by the time they are so engaged in removing such obstructions; and any one failing to assist in removing said obstructions may be fined the same as if failing to work at appointed time on notice.

§ 7. That it shall be the duty of the sheriff of Fulton county annually, on or before the first day of October in each year, to make a settlement with the county judge of said county, and pay over to the surveyors the amounts collected from their respective districts, and take their receipts for same. The sheriff shall be responsible on his county levy bond, and shall be allowed the same commissions for collecting said road fund that he is allowed for collecting the revenue; and for his failing to make said settlement, he shall be fined twenty dollars, to be recovered in the name of the Commonwealth of Kentucky, the same to be paid into the road fund.

§ 8. That said surveyors shall not spend a greater sum of money in any one year than shall be collected for road purposes for that year; but the county judge may appropriate money for the repairing of the roads at any point where he, in his judgment, thinks necessary and most needed.

§ 9. That it shall be the duty of each surveyor to file a statement (under oath) with the county judge, of all money received and expended by him during the year. Said statement to be made on the first Monday of January in each year, and the county

judge shall return the same with his settlement or report to the county clerk, to be recorded as other settlements are recorded ; and the clerk shall be allowed one dollar and fifty cents for recording said judge's settlement. The county judge shall be allowed a reasonable compensation for all the services he performs under this act, the same to be allowed by the court of claims and paid out of the road fund, but before any allowance is made him, he shall file a statement, under oath, of all the services he has rendered under this act.

§ 10. That each surveyor shall be entitled to three dollars per annum for extra services in warning hands and superintending the working of the roads, as well as one dollar per day whilst said roads are being worked under his supervision, to be allowed in his settlement with the county judge, and to be paid out of the road fund.

§ 11. Any surveyor failing to perform his duty under this act may be indicted by the grand jury, and upon conviction, be fined in a sum of not less than ten nor more than thirty dollars, to be recovered in the name of the Commonwealth, and to be paid into the road fund of said county.

§ 12. That an "ad valorem" tax for road purposes, of not less than eight nor more than fifteen cents be levied on each one hundred dollars' worth of taxable property, including railroads in Fulton county, as shown by the assessor's book, the same to be collected as other taxes are collected. That the court of claims of said county shall, at its January term each year, levy for purposes herein stated, an "ad valorem" tax not to exceed fifteen nor less than eight cents on each one hundred dollars' worth of taxable property, as shown by the assessor's book, the same to be collected as other taxes are collected and accounted for by said sheriff as herein provided.

§ 13. That in order to take the sense of the voters ^{Vote.} of Fulton county on this question, it shall be the

duty of the clerk of the Fulton county court, in preparing the poll-books for the August election, 1888, to mark at the head of one column on each page, "Are you for the road tax?" and another column marked "Are you against the road tax?"

Duties of officers. § 14. It shall be the duty of the clerk of said election to propound to each individual who offers to vote, "Are you for or against the road tax?" and his vote shall be recorded according to his answer. If it shall appear from a comparison of the polls that a majority of votes cast at said election are for the road tax, then the board to examine the polls shall make a certificate of the fact, which shall be filed with the county clerk, who shall record the same in his office, and then this act shall be in full force and effect.

§ 15. Notice of said election shall be by written or printed notices, posted by the sheriff at not less — twenty public places in said county, for twenty days before such election.

§ 16. For the purpose of equal distribution of the benefits of the tax levied under this act, the tax paid by the inhabitants of any incorporated town shall be so expended that the roads in the county will receive same in the same proportion that the whole length of the streets bear to the whole length of roads.

§ 17. This act to take effect from and after its passage.

Approved April 14, 1888.

CHAPTER 1069.

AN ACT to incorporate the town of Corydon, in Henderson county.

WHEREAS, The citizens of the town of Corydon, in Henderson county, declare by petition to this General

Assembly that the corporation or charter of said old town has become obsolete ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

§ 1. That the town of Corydon, in Henderson ^{Limits.} county, be, and the same is hereby, reincorporated, and the corporate limits shall be the same included in the previous corporation, and set out and defined in the act incorporating said town, approved March 8, 1876, on page 184, volume 2, Acts of 1876.

ARTICLE II.

§ 1. The fiscal, prudential and municipal concerns ^{Government.} of said town, with the government and control thereof, shall be vested in six trustees, a majority of whom shall constitute a quorum to transact business, and all of whom shall have resided in said town one year next preceding their election, be freeholders therein, and qualified voters under the general laws for county and State officers.

§ 2. The chairman and trustees of said town now in ^{Trustees.} office, to-wit: Dr. M. Rice, Geo. W. McClure, Charles Harness, James M. Crawford, Fred Alhorn and W. B. Penticost shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, shall discharge all the duties imposed by this act, and subject to all the liabilities thereunder, in the same manner as if they had been elected under it so long as they shall continue to hold said office, and until their successors are elected and qualified as hereinafter provided.

§ 3. That three of the present board of trustees shall remain in office until the first Tuesday in June, 1888, and the other three until the first day of June, 1889, and until their successors are elected and qualified. That on the first Tuesday in June, 1888, and annually thereafter, upon the same day, three trustees

shall be elected, whose term of office shall be for two years and as heretofore provided from the day of their election. They shall, before they proceed to act, take an oath before a justice of the peace, examiner, notary public, or circuit or county court clerk, or other person authorized by law to administer oaths, that they will faithfully and impartially discharge the duties of their offices to which they have been chosen agreeably to the laws and Constitution of this Commonwealth; and the officer administering such oath shall certify the fact to the board of trustees, and such certificate shall be spread on the record of the board.

§ 4. That in the event a vacancy shall occur in the board of trustees, the remaining members thereof shall have power to fill said vacancy by appointment, and the person so chosen shall have the same qualifications and take the same oath as is prescribed in the fourth section of this act.

§ 5. That said trustees and their successors shall be, and are hereby, created a body-politic and corporate, and shall be known and styled the "Board of Trustees of the town of Corydon;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; of taking, holding, leasing, purchasing, and conveying such real, personal and mixed estate as the purposes of the town may require, whether within or without its corporate limits; may have and use a common or private seal, and do all other acts, matters and things which a body-corporate and politic, having perpetual succession, may lawfully and rightfully do and perform.

§ 6. Said trustees shall be elected, as provided in section 4 of this act, by the qualified voters of said town, who shall have paid their poll-tax for the preceeding year, and all arrearages and taxes by them

due to said town, which payment, on being questioned, shall be satisfactorily shown; and all elections held under the provisions of this act shall be, after five days' previous notice of same shall have been given, by printed or written notices, over the signature of the town clerk or chairman of the board of trustees, posted in at least three public places in said town; and said elections shall be conducted by officers—a sheriff, judge and clerk appointed by said board—which said officers shall be duly sworn before proceeding to act, and who shall enter in a book to be kept by them the names of all voters, and of all persons voted for, for any elective office; and at the close of said election shall certify the result thereof in said poll-book, and return same to the board of trustees, who shall, if found to be correct, cause the same to be recorded in the book of official proceedings, and the poll-book to be placed on file in the keeping of the clerk of the board; and in the event of a tie, as between two candidates for the same office, the board of trustees may, in their discretion, choose as between said candidates, have the candidates to decide by lot, or re-submit the same to a vote of the people.

§ 7. That the other officers of said town shall be a clerk, a police judge, town marshal, treasurer, attorney and assessor, and such other officers as the board of trustees may, from time to time, direct and appoint.

§ 8. The police judge and town marshal shall be elected by the qualified voters of said town as hereinafter provided, and shall hold their office for the term of two years from and after their election. The clerk, treasurer and assessor, and such other officers as the board may create, shall be appointed by the board of trustees, and hold their offices for one year, or until after the next general election succeeding their appointment a new board is organized, and their successors are chosen and qualified.

§ 9. That an election shall be held annually on the first Tuesday in June; that in June, 1888, a police judge, a town marshal, and three trustees shall be elected, who shall hold their offices for two years, and that thereafter said officers and their successors shall be elected as hereinbefore provided—the test of election being the highest number of legal votes cast between contesting candidates; the result of all elections to be declared and determined by the board of trustees, and the newly elected officers to be notified thereof by the clerk.

Appointed. § 10. Officers appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors; if there should be a failure by the people to elect any of the officers herein required to be elected, the board of trustees may appoint such officers or forthwith order a new election.

ARTICLE III

Officers and Elections.

Elections. § 1. That the municipal government of said town shall consist of the trustees of Corydon, composed of six persons, to be elected and qualified as heretofore and herein provided, one of whom shall, at the first regular meeting after their election, be by them selected to preside over their meetings, and he shall be styled “Chairman of the Board of Trustees of the Town of Corydon,” and shall hold their regular meetings first Monday in each month.

Chairman. § 2. That the chairman of the board of trustees shall preside at all meetings of said board; shall sign their proceedings; shall see that the laws of the Commonwealth, the charter, by-laws and ordinances of the town are duly enforced, respected and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of police judge in all criminal and penal

actions; in cases when, from a vacancy in the office of police judge, or when from sickness, absence or other cause, the police judge does not or can not act, and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay over to the treasurer, when required by the treasurer, all fines or other moneys received by him in his judicial capacity; and for all the purposes pertaining to his office, or to the board of trustees, shall be deemed a quasi magistrate, with full power to administer oaths, qualify other officers, and certify records; and all such certificates shall be received as evidence in any of the courts of this Commonwealth.

§ 3. That in case of a vacancy in the office of chair- Vacancy. man, or of his being unable to perform his duties by reason of temporary or continued absence or sickness, the board shall appoint one of their number, whose official designation shall be acting chairman; and the member so appointed shall, while acting, be vested with all the powers and perform all the duties of the chairman.

§ 4. That the clerk shall keep the corporate seal, Clerk. if one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend, and do and perform such other duties as by the board he may be directed to perform; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 5. That it shall be the duty of the town attorney Attorney. to perform all professional services incident to his office, and when required, to furnish written opinions upon subjects submitted to him by the board of trustees or its committees.

§ 6. 1st. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures, in such manner as the board of trustees may direct. All moneys shall be drawn from the treasury by warrant from the chairman or acting chairman of the board of trustees, and countersigned by the clerk. Such warrant shall specify for what purpose, debt or claim the amount named therein is to be paid. The treasurer shall exhibit to the board of trustees, on the first day of June of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury, which account shall be spread on the record, and filed in the office of the clerk.

2d. The tax-book, when revised and corrected as hereinafter provided, shall, by the fifteenth day of May in each year, be placed in the hands of the treasurer, who shall give his receipt therefor to the board of trustees, for which he and his sureties shall be responsible on their bond.

3d. The treasurer shall keep the tax-book from the fifteenth day of May until the first day of July in each year, and receive and receipt for all taxes due as paid.

4th. He shall report to the board of trustees, at each regular monthly meeting, a full and correct account of all moneys received and paid out, and the balance on hand at the end of each month.

5th. He shall, by the order of the board, on the first day of July in each year, place the tax-books in the hands of the collector, who shall receipt to him, the treasurer, for all uncollected taxes, and which receipt shall be placed to the credit of the treasurer and charged to the collector on the financial book of the clerk.

6th. The treasurer shall, while the tax-books are in his hands, place the list of any one who is leav-

ing, or about to leave or remove from the town, or whose property is about to be removed or disposed of, in the hands of the collector, to be collected by him, adding all costs and penalties for collection.

§ 7. That it shall be the duty of the town marshal^{Marshal.} to attend all the sessions of the police court, and to give the town attorney previous notice of any proceeding in that court to which it is said attorney's duty to attend; to attend to the procuring of evidence in all cases in which the town or the board of trustees of Corydon is a party, within the limits of the town, and in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of the Commonwealth, he shall possess the same powers as sheriffs and constables; he shall execute all process, civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the judges of the Henderson quarterly or county court, or any justice of the peace. He shall possess the power and authority of constables of this Commonwealth, and may go into any part of Henderson county in serving process, making arrests, or in the rightful discharge of any official duty; he shall be entitled to the same fees allowed sheriffs and constables for similar services, to be collected in the same manner as sheriffs' and constables' fee bills are collected; for other services, he shall be entitled to such fees and compensation as the board of trustees may designate by ordinance or by-law. He and his sureties in his official bond shall be liable in the same cases, way and manner, and to the same extent, as sheriffs and constables are. He shall perform such other duties not inconsistent with this act, and make such returns and reports of his acts as the board of trustees may by ordinance or by-law direct, and as hereinafter prescribed. He may or may not be appointed collector; but if he is, he shall give such additional bond as the board of trustees may direct and approve.

Taxes.

§ 8. That it shall be the duty of the collector, and full power is hereby granted him, to collect all taxes and assessments which may be levied by the board of trustees by levy, distraint and sale, anywhere in the county of Henderson, and perform such other duties as may be herein prescribed or required by the board of trustees: *Provided*, That the board of trustees shall have power to require all special assessments, license money or taxes, to be paid directly to the treasurer, or to appoint some other person than the collector to collect such money.

§ 9. 1. That the assessor shall perform all the duties which the board of trustees may, by ordinance or by-law, prescribe, in relation to the assessing of property for the purpose of levying taxes imposed by the said board of trustees.

Assessor.

2. That the assessor, before he enters upon his duties, shall swear that he will fix a fair and full value on all property listed by him, without favor or partiality; that he will make diligent search and inquiry, so that no one shall be overlooked or passed, without an opportunity to give in his list of taxable property; that he will promptly report all persons who shall fail to give in a list of his or her taxable property, after being duly called on for that purpose, or who have given a false or imperfect list, and state in what the fraud consists, whereupon the board of trustees shall at once proceed to investigate the matter, and by bringing the assessor, the recusant, and any other necessary parties before them, and after hearing the sworn statements of said parties, determine and fix a fair and reasonable valuation upon the property of said delinquent.

3. The assessor may commence the duties of his office on the first day of April in each year, the status of values to property upon that day fixing the values to be put upon it when listed by the assessor or the board of trustees; and he shall complete his lists and return same to the board of trustees by the first Mon-

day, or at the first regular meeting of said board, in the month of May thereafter.

4. It shall be the duty of the assessor, under a penalty of not less than ten nor more than twenty dollars, to assess the property of the district, and make due return at the time fixed in subsection 3; and he shall administer to each tax-payer the following oath, to wit: "You do solemnly swear that you will give a full, true and correct list of all taxable property belonging to you or in your possession, subject to taxation, on the first day of April, and that no removal of property or omission has been made whereby to avoid the payment of taxes by you, so help you God."

§ 10. That the board of trustees shall have power from time to time, and at all times, to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to office under this act, whose duties are not herein specifically mentioned and limited, and fix their compensation.

§ 11. That the police judge, treasurer, collector and marshal shall severally, before they enter on the duties of their respective offices, execute a bond, payable to the trustees of the town of Corydon, in such sum, with such conditions and sureties as they, the board of trustees, may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to same, all money or other property that may come to their hands as such officers, respectively; which bonds, with the approval of the board of trustees certified thereon by the clerk, shall be filed in a book to be kept for that purpose by the clerk, and carefully kept by him among the books and papers in his custody belonging to the town. Oath and bond

§ 12. That the board of trustees of the town of Corydon, or any person injured by the breach of any or either of said bonds, may, in any court having ju-

risdiction, prosecute suit or motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs or devisees of any or either of them, as now provided by law for sheriffs and constables; and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery, until the board of trustees of Corydon, and every person aggrieved by the acts or omissions of such officers, shall have been recompensed.

§ 13. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to the board of trustees, or to his successor, if one, at the time of such notification, all the property, papers, books and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver; and the same shall be recoverable by suit or motion, after ten days' notice of the pendency of said suit or motion, before the police court of the town of Corydon, or any court of Henderson county having jurisdiction of the amount sought to be recovered.

§ 14. That every person appointed to office by the board of trustees, or elected to any office by the people, may be removed from such office by the vote of a majority of all the members of the board of trustees; but no officer who is elected by the people shall be removed except for cause, nor unless first furnished with the charges and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses and the production of papers, when necessary, for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall fail or neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

§ 15. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise, of any officer elected by the people, such vacancy may be filled until the next general election by appointment by the board of trustees.

§ 16. All citizens of Corydon who are entitled to ^{Voters.} vote for town officers, elective by the people, under this act, shall be qualified to hold any office created by this act except as hereinafter provided; but no person shall be eligible to any office created by this act, or any other act in relation to said town, who is now or may be hereafter a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the board of trustees of said town, and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the person or party authorized to receive the same, any public money which may have come to his hands.

§ 17. That all elections, general or special, by the qualified voters of the town, shall be held within the corporate limits of said town, at such place as the board may designate, and between the hours of seven o'clock in the morning and six o'clock in the afternoon.

§ 18. That every person who is a legal voter in any county or State election, at the time of holding elections for town officers, shall be qualified to vote for any town officer elective by the people.

§ 19. Any person or persons voting at any town election, and not possessing the qualifications herein prescribed, or who shall vote for the same officer more than once upon the same day, shall be deemed an illegal voter, and liable to be punished therefor under the laws of the Commonwealth for illegal voting.

§ 20. That the board of trustees shall judge of the qualifications, elections and returns of its members, and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees under such rules, by-laws or ordinances, as they may prescribe governing the case.

§ 21. That the poll-books of all elections in the town shall be returned by the sheriff of the election to the clerk of the board, when examined, compared and declared upon as provided in sections 6 and 9, article 2, and shall be filed by him as a part of the records of his office, and, when ordered, issue certificates to the officers elected, which certificates, before being delivered, shall be spread on the records of the board of trustees.

ARTICLE IV.

Police Court.

Police court.

§ 1. That there shall be established in said town a court, to be styled the "Corydon police court," to be held by one judge, to be styled "Judge of the Corydon police court," who shall be elected as hereinbefore provided.

§ 2. That the Corydon police court shall have exclusive original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, or any of the provisions of this act, without the intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer the same, that the circuit courts have like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and in all cases of felony or misdemeanor, when the punishment is a fine of more than one hundred dollars,

it shall sit as an examining court, and be governed in its procedure by the provisions and rules of the Criminal Code of Practice.

§ 3. That the judge of said court shall be a conservator of the peace, and may order arrests for all offenses against the laws of the Commonwealth or by-laws and ordinances of the town, and for those committed within his presence may order arrests without warrant or affidavit, the person to be dealt with according to the laws of the Commonwealth or the by-laws and ordinances of the town; and, if deemed necessary such offender may be detained in custody in the county jail or other safe place.

§ 4. That the police court shall be holden at such place as the board of trustees may designate, or they failing to provide and designate a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time of holding court for the trial of criminal or penal cases, as in his discretion the business before him may require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk, and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth.

§ 6. That all proceedings in, and process from the police court, shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge may direct the process to any constable, sheriff, jailer, coroner or policeman; and in summary civil proceedings to such other persons as the Civil Code in such cases provides for; and the person executing the process of the court shall be entitled to the same fees for like services, and the same means for their collection, as are allowed sheriffs and constables, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky shall be paid to the Commonwealth of Kentucky; those in favor of the town of Corydon, or of the board of trustees of the town of Corydon, are hereby granted to the town of Corydon.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* may be directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the police court, who shall pay the same to the town treasurer.

§ 9. That the defendant shall have the right at any time to replevy, for three months, any judgment, fine or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as is allowed by law in similar cases in favor of the Commonwealth of Kentucky.

§ 10. That a return of no property on a writ of *fleri facias*, or a return of not found on a *capias pro fine*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Corydon against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky, the town of Corydon, or the trustees of the town of Corydon, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases within the jurisdiction of the police court, when the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted in the county jail for any time required by law, not exceeding fifty days.

§ 13. That appeals shall lie from the decisions and judgments of the police court to the Henderson quarterly court in all cases where the fine or judgment exceeds ten dollars, exclusive of costs, and is less than fifty dollars, and to the Henderson circuit court when the fine or judgment, exclusive of costs, is fifty dollars or more, or when with or without a fine in any amount, the imprisonment exceeds ten days. In all cases of appeals in criminal or penal cases the execution of the judgment shall not be suspended, unless the defendant, within ten days from the rendition of the judgment, causes to be executed, before the clerk of the court to which the appeal is taken, a covenant, with good security, in all respects as required by the Criminal Code of Practice.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the ordinances and by-laws of said town shall be sued for by warrant in the name of the trustees of the town of Corydon or the Commonwealth of Kentucky, and shall be for the use of the town.

§ 16. That the police court shall have jurisdiction concurrent with the Henderson quarterly court in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be and remain as it now is.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases; and the Civil Code of Practice shall regulate its proceedings in civil cases, except that there shall be no appeal from his judgments in civil cases when the amount in controversy is less than twenty-five dollars, and then to the circuit court.

§ 18. That the fees of said police judge, whether acting as judge or clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing similar services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction, with the same remedy for their collection.

ARTICLE V.

Powers and Duties of the Board of Trustees.

Powers of trustees.

§ 1. That the board of trustees shall hold stated meetings at least once in each month, and the chairman may call meetings, by notice to each of the members of the board of trustees, either oral or written; but if written, such notice must be served personally, or left at their usual place of abode. A majority of the board shall constitute a quorum to transact business.

§ 2. That the board of trustees shall have the management and control of the finances, and all the property, real, personal and mixed, belonging to the corporation; and shall have power to contract and be contracted with, for and on behalf of the town; to provide for the purchase, erection and repair of all necessary public buildings; to provide for inclosing and improving all public grounds belonging to the town; and shall likewise have power within the corporate limits of said town, by ordinance or by-laws—

1. To restrain and prohibit all descriptions of gam-

ing and fraudulent devices, and all playing of dice, cards and other games of chance, whereat any thing of value is bet, wagered, won or lost.

2. To regulate and tax the selling of ardent spirits, wine or cider, or other intoxicating, fermented, vinous or malt liquors, by any hotel-keeper, tavern-keeper, innkeeper, coffee-house or saloon-keeper, grocer, merchant or druggist, under and by virtue of the present statutory laws of the Commonwealth and no further: *Provided*, That in addition to the present State tax, the tax (under this act) upon licensed hotels, tavern or innkeeper, or coffee-house and saloon-keepers, shall not be less than one hundred dollars per year, and also that nothing herein shall conflict with, change, modify or repeal the present local law prohibiting the sale of liquors in said town; and the tax upon such licensed merchant, grocer or druggist shall not be less than twenty-five dollars, in addition to the amount now required by law.

3. To prohibit the selling or giving away of any spirits, or other intoxicating liquor, to any minor or apprentice without the written consent of his or her parent or guardian, master or mistress.

4. To license, tax, regulate, suppress and prohibit billiard-tables, pigeon-hole, Jenny Lind, and all similar tables or contrivances, pin-alleys, nine or ten-pin alleys, ball-alleys and shooting galleries.

5. To tax, license, regulate auctioneers, distilleries, brewers and pawnbrokers, and tax or lay duty on the sale of goods at auction.

6. To license, tax and regulate hawkers, peddlers and all itinerant vendors of medicines or other goods, wares or merchandise, whether at auction or otherwise; also any and all agents of insurance, lottery offices and agencies doing or pretending or offering to do business in said town, and to prevent any business of that kind being done without license.

7. To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind

by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances and all other exhibitions, except by the citizens of the town or county.

8. To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses, and direct the time and manner of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed fifty cents.

9. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance or disorderly assemblage.

10. To establish and regulate markets and other public buildings, and provide for their erection and determine their location, and authorize their erection in the streets of said town, or other suitable place or places, within the town limits.

11. To regulate, license, or prohibit butchers; to limit, restrict, or revoke their license for misconduct in the cause of trade.

12. To regulate the keeping, selling, removing, and conveying of gunpowder, benzine, gasoline, coal oil, or other dangerous or combustible material.

13. To prevent horse-racing, immoderate riding or driving in the town; to punish and prohibit the abuse of animals, and to compel persons to hitch or fasten or secure their horses, mules, oxen, or other animals, attached to vehicles or otherwise, while standing or remaining in the street.

14. To prevent the encumbering of the streets, sidewalks, alleys and public grounds with wagons, carriages, carts, sleighs, sleds, wheelbarrows, plows, boxes, brick, lumber, timber, fire-wood, stone, barrels, posts, awnings, signs, or any substance or material whatever.

15. To prevent any obscene, indecent or profane language, conduct or exhibition.

16. To restrain and punish vagrants and prostitutes.

17. To restrain and regulate or prevent the running at large of horses, mules, cattle and hogs, and authorize the distraining, impounding and sale of same for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of such animals for the violation of any by-law or ordinance in relation thereto.

18. To prevent and regulate the running at large of dogs, and to authorize the killing of same when at large contrary to the by-laws or ordinances of the town.

19. To prevent, prohibit and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing along the streets or sidewalks, or to frighten teams or horses.

20. To make regulations to prevent the introduction or spread of contagious diseases.

21. To have exclusive power and control over the streets, alleys, sidewalks and public ground of the town, and remove and abate any obstructions and encroachments therein or thereon.

22. To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

23. To appoint watchmen and policemen, and prescribe their duties, powers and pay.

24. To purchase lands for and locate cemeteries, either within or without the town limits, which cemeteries may, or may not (in the discretion of the board of trustees) adjoin the present cemetery near said town. They shall have power to plat, lay off and divide said cemeteries into lots and sell the same; to improve, ornament and make secure said cemeteries, and to exercise full control over the same, and make and enforce proper laws for the regulation and man-

agement of same, and punish all trespasses thereon by adequate fines and penalties.

25. To appoint inspectors, weigh-masters and gaugers, and regulate their duties and fees.

26. To provide the town with water, in any manner they may deem proper, and to establish, make and regulate public wells, cisterns and pumps.

27. To establish and regulate public pounds.

28. To authorize and regulate the use of locomotive engines within the town, and to grant to any railway company the right of way through the streets of said town, and to direct and control the location of railroad tracks and depot grounds, and prohibit railroad companies from doing storage and warehouse business within said town, or collecting pay therefor.

29. To erect, control and keep in repair public scales in said town when deemed necessary.

30. To establish hospitals and pest-houses, and make regulations for the government thereof, and discontinue the same at pleasure.

31. To license, tax and regulate all retail dealers in goods, wares or merchandise, of whatsoever kind or character, bankers, brokers, express agents, money changers, tobacco dealers, produce brokers, warehouse and commission men, hotel keepers, livery stables, public hall lectures, concerts, minstrels, or other amusements, plays or entertainments for money not heretofore specified.

32. To license, tax and regulate hacks, coaches, omnibuses, express wagons, carts, drays, wagons, and other vehicles.

33. To exclusively control, regulate, repair, grade, macadamize, and amend and clean the streets and alleys, bridges, side and cross-walks, and open, widen, straighten, extend, and vacate streets and alleys; to establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of same; to erect dams, and cover them over when the interests of the public demand it.

34. To do all acts and make all regulations which may be necessary or expedient for the preservation or protection of the public health and the suppression or prevention of disease.

35. To prohibit any work being done on the Sabbath day or business being performed, and to punish any person found at or engaged in any work or business on that day, except it may be the ordinary household affairs of daily necessity, or other work of necessity or charity.

36. The said board of trustees may provide for the use of said town a fire engine, or hooks, hose and ladders; organize a fire company, and make necessary regulations for the prevention of damage by fire; may appoint firemen, and prescribe their term of office, duties, powers, and pay.

37. The board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws and police or sanitary regulations, not contrary to the Constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in said board of trustees, or any officer of said town by this act; and enforce observance of all rules, ordinances, by-laws, and police or other regulations made in pursuance of this act by penalties not exceeding one hundred dollars for any violation of, or offense against, the same.

38. The board of trustees may also enforce such rules, ordinances, by-laws, and police and other regulations, by punishment of fine and imprisonment—one or both—in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fine shall not exceed one hundred dollars, exclusive of costs, nor the imprisonment exceed fifty days.

39. That the board of trustees of Corydon shall have exclusive power to grant all licenses for which

provision is made by this act; and the amount to be paid for any license, for which provision is made by this act, shall be fixed by the said board of trustees, and paid for in cash when granted.

ARTICLE VI.

Taxation.

Taxation.

§ 1. That the board of trustees of the town of Corydon shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding one dollar on each one hundred dollars' worth of all the real estate in said town, including the buildings and improvements thereon, and upon all the personalty owned or kept within said town April 1, each year; and a head or poll-tax not exceeding two dollars upon every male inhabitant of said town between the ages of twenty-one and fifty; and a tax not exceeding two dollars on each dog that any person may keep, or suffer or permit to be kept, on his or her premises.

§ 2. That there shall be exempt from taxation under this act all such property as is now exempt by law for State and county purposes; also all public property belonging to said town, the county of Henderson, the State of Kentucky, the United States, any church, college, public school, public seminary of learning, all grounds attached to such school, college, church or seminary, and dedicated solely to the use thereof: *Provided*, That nothing in this or the preceding section shall prevent the board of trustees, in their discretion, from exempting by special ordinance or contract the property of such industries or enterprises as in their discretion it may be to the interest of the town to invite, encourage and assist.

ARTICLE VII.

Assessments and Collections of Taxes.

§ 1. That the board of trustees shall have power, by ordinance, to prescribe the form of assessment

rolls, and prescribe the duties and define the powers of assessors, and to make such rules and give such directions in relation to attending, revising, or adding to the rolls, as they may deem proper and expedient.

§ 2. That the annual assessment roll shall be returned by the assessor on or before the first day of May in each year; but the time may be extended by the board of trustees. On the return thereof the board of trustees shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of hearing such objections; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The chairman of the board of trustees, with three bona fide citizens and property-holders of the town, to be selected by the board of trustees from the names of six such persons, to be given them by the chairman, shall constitute a board of equalization, who shall have power to supply all omissions in said assessment rolls, and for the purpose of equalizing the same, to alter, add to, take from, or otherwise correct and revise the same: *Provided, however,* That no increase shall be made in the valuation of property as fixed by the assessor until the owner thereof, his agent or representative, if there be such in the town, shall have been notified thereof, and requested to appear and show cause why his assessment should not be raised.

§ 3. That when the assessment roll shall have been corrected and revised, the same shall be filed with the board of trustees, and an order confirming the same made by the board and entered of record by the clerk. The board of trustees shall thereupon, by resolution, entered in their journal of proceedings, levy such sum or sums of money as they may deem proper, not exceeding the amount authorized by this act, and by warrant direct the collector to collect the same: *Provided, however,* That the assessment rolls

or book shall not be placed in the hands of the collector until after the first day of July in each year, prior to and until which time the taxes for the current year may be paid to the town treasurer, into whose hands the list of taxables, as soon as revised, will be placed, and a penalty of ten per cent. will be added to each list as soon as placed in the hands of the collector.

§ 4. That all taxes and assessments, general or special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal property upon which the same may be imposed, voted or assessed, until such tax shall be paid; and said lien shall not be defeated by any gift, sale or transfer of said property; and no property shall be exempt from sale for the payment of such taxes or assessments, except such as is by this act exempt from taxation; any personal property belonging to the debtor may be taken for the payment of taxes, and sold by the collector after ten days' public notice of such sale, posted at three public places in said town.

§ 5. That on the first day of July in each year, or within ten days thereafter, the assessment roll, as corrected and revised, or a copy thereof, together with the delinquent lists for the years preceding, signed by the chairman of the board, and attested by the town clerk, shall be delivered to the town collector, who shall proceed at once to collect the same with accrued costs, if any; and if not otherwise paid, after demand and refusal to pay, may proceed to levy, distrain and sell the personal property of the tax-payer; and notice published by the collector, by posting printed or written notices at three public places in said town, stating that the tax books are in his hands for collection for ten days, shall be deemed a demand, and a neglect to pay for twenty days thereafter shall be deemed a refusal to pay such taxes or assessments.

§ 6. That the collector shall pay all taxes and assess-

ments as fast as collected to the town treasurer, and take his receipt therefor, which receipts shall be filed with the board upon his final settlement with them for moneys collected during the current fiscal year; and his powers, duties and liabilities, in case of a default or misconduct in office, shall be prescribed by the board of trustees by ordinance.

§ 7. That in case of the non-payment of any taxes or assessments levied or assessed under this upon real estate, so much of the premises as may be sufficient to pay the same, may be rented, leased or sold to the highest bidder at public auction for cash in hand, at any time within two years after the confirmation of the assessment by the board of trustees. Before any such sale, an order shall be made by the board of trustees, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the tax or assessment for which the sale shall be made; a certified copy of which order, signed by the chairman of the board of trustees and the clerk, shall be delivered to the collector, which shall constitute the authority and process upon which such sale shall be made.

§ 8. That the collector shall then advertise such premises for sale by posting printed or written notices at three public places in said town for at least ten days, and also one at the court-house door in the city of Henderson, describing the said premises, and giving the name of the owner when known, and the several amounts of the taxes or assessments thereon, and the time and place of said sale; the place shall always be the court-house door in the city of Henderson, and the time the first day of some term of the Henderson county or circuit court.

§ 9. The collector shall be allowed such fees for selling as the board of trustees shall prescribe. The clerk shall keep a full and complete record of all such sales, as also of the collector's returns upon each and

every order of sale, which said record shall be open to public inspection at all reasonable times.

§ 10. That in all cases of sales of real estate for taxes or assessments, the right of redemption shall exist to the owner or his heirs or representatives for the period of two years from the day of sale, on payment of twenty per cent. per annum on the amount for which the same was sold, and all taxes subsequently accrued. If the real estate of any infant or *feme covert* or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within two years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the town clerk, who shall make a special deposit thereof with the town treasurer, taking his receipt therefor. If not redeemed, the board of trustees shall, upon the return of the certificate of sale, or proof of its loss, direct the collector or his successor to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid. The collector may charge two dollars for every deed so made, and an amount sufficient to pay other necessary costs, to be paid by the purchaser.

§ 11. If, at any sale of real or personal estate, for taxes or assessments, no bid shall be made for any parcel of land, grounds, goods, chattels or property, real, personal or mixed, the same shall be struck off to said board of trustees for the benefit of the town; and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and shall thereby be vested with the same rights as other purchasers at such sales, and for the benefit of the town; and the collector shall execute to the purchaser a certificate of sale for all real estate sold for taxes or assessments at the time of said sale.

§ 12. That any deed, or a duly authenticated copy of the record thereof, made for real estate sold for

taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same, and that all proceedings in reference to such sale and levying the taxes or assessments for which the same was sold were regular; and any such deed, made and delivered in pursuance with the provisions of this act, shall immediately thereupon vest the purchaser with the title, legal and equitable, in and to such property; and when the right to possession under such title is resisted or refused, he, she or they, the purchaser or purchasers, shall have the right to proceed to enforce said rights in any court of Henderson county having jurisdiction thereof, against the owner, tenant, lessee or occupant of said property; and no tenant, lessee or occupant shall be permitted to defend such suit by the plea of previous contract, unless it is shown by the pleading that such contract antedates the date of the assessment or levy of such taxes or assessments as the said property was sold to satisfy.

ARTICLE VIII.

Working Streets.

§ 1. That the board of trustees of Corydon shall ^{Streets.} have power to require, and it is hereby made the duty of, every able-bodied male inhabitant of said town over sixteen and under fifty years of age, except ministers of the gospel, to faithfully labor three days in each year upon the streets of said town, under the street commissioner, to be appointed and paid by the board of trustees, and to furnish such tools as the board of trustees may require; but every person may, at his option, pay into the town treasury, instead of laboring, at the rate of one dollar per day for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment or labor, as aforesaid, the sum of four dollars and costs of proceeding may be recovered against

each person in default, by the said board of trustees, by action on warrant before the police judge of said town; and any and all persons who may be so required to labor, shall be exempt from the payment of county road poll-tax, and from working on any and all roads in Henderson county outside the limits of said town. That all moneys levied or collected by virtue or in pursuance of this act, including all fines and forfeitures and penalties imposed and collected under this act or the State laws, or the laws of said town, and all taxes and assessments, and money collected for licenses, shall be for the use of said town and paid into the treasury thereof.

ARTICLE IX.

§ 1. That the board of trustees of the town of Corydon shall have the power to lay out public squares or grounds, or streets, alleys, avenues, highways and thoroughfares for the public use and convenience, and to alter, extend, widen, contract, straighten, open, or discontinue the same; and said board of trustees shall cause all streets, alleys, highways, public grounds or squares laid out by them to be surveyed and described, and a description thereof to be recorded in a book to be kept by the clerk of said town, with a surveyor's plat of the town, showing particularly the proposed changes or improvements, and the real estate, if any, which by the said change is required to be taken; and such streets, alleys and highways or thoroughfares shall, when opened, be public highways.

§ 2. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened or altered, or any public square or ground to be laid out or opened, they may obtain, by gift or purchase, from the owners thereof such real estate as may be necessary therefor, and obtain from such owners a conveyance of said real

estate, which conveyance shall be recorded in the office of the Henderson county court.

§ 3. That in all such cases where the board of trustees can not or do not obtain or purchase such real estate and receive conveyance therefor, they shall have power to cause to be filed in the Henderson county court a petition, in which the board of trustees of the "Town of Corydon" shall be made plaintiff, and all the owners of such real estate, and the guardian of infant owners, shall be made defendants; but such petition need not be sworn to; such petition shall describe the street, alley, avenue or highway, public ground or square, that is sought to be laid out, altered, extended, widened or straightened, the character of the proposed improvement, where situated, and the names, if known, of the owners of the real estate required to be taken, and which, if any, of said owners are now residents and where they reside, and which, if any, are infants, and who are the guardians of such infants, if any there be; and all such owners and the guardians of such infants, if residents of the State, shall be summoned actually, as required by the Civil Code of Practice in ordinary actions; and if non-residents, shall be warned as required by said Code, and guardian *ad litem* shall be appointed to defend for such infants who shall answer; and an attorney shall be appointed for any non-resident defendants or defendant, in the way and manner prescribed by said Code of Practice, and his duties shall be as therein prescribed; and after all the defendants shall have been so actually or constructively brought before the court, and the answer of the guardian *ad litem*, and the report of the attorney for the non resident defendants shall have been filed, a writ of "*ad quod damnum*" shall be awarded by the court, directed to the sheriff of Henderson county, to be executed and returned as required by law for writs of that nature for opening public roads in this State. On the return of the writ duly executed, the court shall order the damages

assessed to be paid by said board of trustees out of the funds in the treasury of said town to the party or the parties entitled thereto, and shall order the street, alley, highway, or public square or ground, to be opened and laid out, upon the payment of said damages; when it shall be and become public property, and under the control of said board of trustees of the town of Corydon: *Provided*, That at any time before such order shall be made to lay out or open any such public square or ground, street, alley, or highway, the said board of trustees may abandon the proceedings, being responsible for costs; and in such event the public square or ground, street, alley, avenue or highway, shall not be opened or laid out, or in any sense be or become public property.

ARTICLE X.

Grading, Paving, and Improving Streets and Alleys.

§ 1. That the board of trustees shall have power to grade, pave, improve, protect and ornament any public square or ground now or hereafter laid out, opened and dedicated to the uses of said town.

§ 2. That the owners in front of, or upon whose premises the board of trustees shall order and direct curbing and sidewalks to be constructed, repaired or relaid, shall make, repair or relay such curbing and sidewalks at their own costs and expense, and in the manner, with the material, and in the time prescribed by said board of trustees by ordinance or otherwise; and if not done in the manner, with the material, and within the time so prescribed, the board of trustees may cause the same to be constructed, repaired or relaid, and assess the expenses therefor, by an order to be entered in the record of their proceedings, upon such lots respectively, and collect the same by advertisement and sale of the premises as in the case of taxes; and the said board of trustees shall have a lien upon the improved premises for all such expenses

said lien enuring to the benefit of any one or more persons contracting with said board of trustees to do and doing such work; a suit or suits may be also maintained by the said contractor or board of trustees in Corydon police court, or any court having jurisdiction thereof, against such owners for the expenses of such improvements.

§ 3. That all the provisions of the preceding section shall apply with equal force to all persons whose duty it is to remove or abate any nuisance, and to all property chargeable with the expense of removing or abating any nuisance, when the board of trustees have incurred expense in abating or removing same.

ARTICLE XI.

Miscellaneous Provisions.

§ 1. That the board of trustees shall, at least ten days before the annual assessment of taxes as heretofore provided, on the first day of May in each year, cause to be posted, in two or more public places in said town, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former were derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial condition of the town.

§ 2. Every ordinance, by-law or regulation, imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published one week, by posting up written or printed copies, or a succinct synopsis thereof, in at least four public places in said town.

§ 3. That the members of the board of trustees shall be exempt from paying poll-tax and labor on streets, and they may, or may not, in their discretion, fix the allowance for the attendance of the members of said board at all regular meetings.

§ 4. That it shall be the duty of the board of trus-

tees at all times to keep the streets, alleys, sidewalks and public grounds of said town in good repair, to enforce a strict compliance with all the by-laws and ordinances of said town, the rules and regulations for the government of their own members and the officers of the town.

§ 5. All ordinances, by-laws or regulations now in force in said town, and not inconsistent with this act, shall remain in full force under this act until altered, modified or repealed by the board of trustees after this act shall take effect.

§ 6. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under any or all of the former acts of incorporation, or any amendments thereto, shall be vested in and prosecuted by the board of trustees of Corydon hereby created or provided for.

§ 7. That all property, real, personal, or mixed, now belonging to the town of Corydon, or the board of trustees of Corydon, is hereby vested in the board of trustees of Corydon created or provided for by this act; and the officers of said town now in office shall respectively remain and continue in office until superseded in conformity to the provisions hereof, but shall be governed by this act.

§ 8. That this act shall not invalidate any legal act done by the board of trustees of Corydon, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

§ 9. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act may at any time be modified, altered or repealed by the General Assembly of Kentucky; and this act shall take effect from and after its passage.

Approved April 14, 1888.

CHAPTER 1070.

AN ACT to charter the Quick's Run and Ohio River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created and formed by the name and style of Quick's Run and Ohio River Turnpike Road Company, and that F. M. Brothers, Wm. K. Hampton, Sam'l H. Hampton, John Pool, Thos. M. Irwin, Wm. H. Kirkendall and F. M. Carr, and their successors in office, be, and they are hereby, appointed and created a body-corporate and politic, under the name and style aforesaid, for the purpose of building a turnpike road from a point on the Concord and Tollesboro Turnpike Road, near the residence of Henry Mavity; thence down the Quick's Run valley, the most practicable route, to the Ohio river road, near the mouth of said Quick's Run, and also to branch said road from any point on the main line; thence the most practicable route, to either Carr's or Stout's landing, as the board of directory may deem best. The capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of twenty-five dollars each. Said company shall have power to sue and be sued, contract and be contracted with, hold, enjoy, possess, convey and dispose of real and personal estate not exceeding twenty thousand dollars, and to do all and every act whatever, within the object and scope of their incorporation, which a body-corporate and politic may lawfully do.

§ 2. The said company may, by proper proceedings, as in cases of public roads or turnpikes under the General Statutes, cause to be condemned for the use of said turnpike road the right of way, sites for toll-gates, residences for the keepers, and for such other purposes as said company may need any land for the

use of said road. They may also, in like manner, condemn stone quarries, gravel beds, and all necessary and proper materials to build and keep said road in repair, and all necessary bridges on the same; they may use any part of the public road that they may find necessary for their road-bed, but shall make proper provision for public travel over the same during the construction of their road, wherever the same may conflict; and when said road is finished a distance of one mile, the company may erect a toll-gate and charge one-fifth toll, being governed by the rates given in the General Statutes of Kentucky.

§ 3. That the persons named in the first section of this act as incorporators are hereby appointed commissioners to receive subscriptions of stock to said turnpike road company, any two of whom may act; who may meet at such places and times as they may deem proper, for the purpose of receiving subscriptions to said turnpike road company; and who may procure suitable blank books that may be needed to keep the accounts and records; and the subscribers of stock shall sign an obligation in substance as follows: "We, whose names are hereunto subscribed, do promise and bind ourselves to pay to the Quick's Run and Ohio River Turnpike Road Company the sum of twenty-five dollars for each and every share set opposite our respective names, in such proportions and at such times as shall be determined by the president and directors of said company."

§ 4. That as soon as (\$500) five hundred dollars shall be subscribed in stock to said company, it shall be the duty of said company to give notice to those persons who have subscribed stock to said company on their books, of a meeting at some suitable point along and near the route of said road, for the purpose of choosing the officers of said company. Each stockholder shall be entitled to one vote for each share of stock subscribed and paid. The officers so chosen shall consist of a board of five (5) directors,

for one year, or until their successors are duly elected and qualified; said board of directory to immediately meet and organize for business by electing one of their number president, and one for secretary and treasurer; the treasurer to give a good and sufficient bond for the faithful performance of his duties.

§ 5. That as soon as the officers are elected and qualified, and the company organized, said company shall possess all the authority, power, rights and privileges, and may do all acts necessary to enable the said company to build their road. They may erect gates, collect toll, and employ all necessary surveyors, engineers and agents; engineer to be selected jointly by county judge, attorney and board of directory, for the building and successful occupation, use and operating of said road, and for the keeping the same in repair.

§ 6. The president and directory may call on the subscribers of stock for an amount, not to exceed one-fourth at one time, and at not shorter periods than three months after the first call, and shall issue to each and every stockholder a certificate of stock for the whole number of shares paid in.

§ 7. The Lewis county court may subscribe stock to said turnpike road company to an amount not exceeding one thousand dollars per mile, for each and every mile let to a responsible contractor; the county judge and attorney to be satisfied as to the sufficiency of the contractor's bond, payable in the bonds of Lewis county, to be delivered to the president of the company, who shall execute a receipt in the name of the company for the same, and also a bond to the Lewis county court for the faithful expenditure of said bonds to the legitimate construction of said road, and shall be built according to the report and specifications of a competent engineer, who shall be selected as provided for in section 5.

§ 8. Said company shall have power to prohibit the dead-locking of wagons on its road, and in the event

it shall do so, any person, by himself or servant, driving a wagon along said road in a dead-lock, shall be liable to said company for all the injury that may be thereby caused to said road.

§ 9. This act shall take effect and be in force from and after its passage.

Approved April 14, 1888.

CHAPTER 1071.

AN ACT to amend an act, entitled "An act to establish and incorporate South Covington district, in Kenton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to establish and incorporate South Covington district, in Kenton county," passed and approved May 12, 1884, be, and is hereby, amended.

§ 2. The trustees of said incorporated district shall have the power and authority to require all saloons and taverns selling beer, wines and spirituous liquors, bowling-alleys, billiard, pool and other tables of like kind in said district, to take out a license from said trustees for such business; and said trustees may fix the cost of such license, and shall have the power to compel the payment thereof in any court of competent jurisdiction.

§ 3. The said trustees shall have the power to have the sidewalks of the streets and roads improved, to such a width as they may ordain, with plank, brick or gravel or stone, and keep the same in repair at the expense of the owners of property fronting and abutting thereon; they shall first pass an ordinance requiring owners of said property to improve the sidewalks as aforesaid, in front of and abutting on their property, within any period not less than twenty days from the passage of said ordinance; said ordi-

nance shall be posted in at least five (5) public places in said district; and if, at the end of the time prescribed in said ordinance, any part of said sidewalks ordered to be improved be not improved, the said trustees may advertise for sealed proposals for said work, and cause the same to be done at the cost and expense of the owner or owners of the property fronting and abutting thereon; and such cost and expense shall be a lien on said property, and may be recovered from the owner or owners of said property in any court of competent jurisdiction in Kenton county.

§ 4. Also, be it enacted that the trustees have power and authority to assess and collect a tax of five cents on the one hundred dollars, as valued by the assessor of Kenton county, on all real estate in said district, except lands used for agricultural or farming purposes, to be applied by said trustees in payment of police or other peace officers in said district, in any manner they may deem most advantageous; said tax to be due and payable on the first day of April in each and every year.

§ 5. Also, be it enacted that the words "Public roads," in the act hereby intended to be amended, shall be construed to all streets and roads, except turnpike and county roads.

§ 6. This act to take effect from and after its passage.

Approved April 14, 1888.

CHAPTER 1072.

AN ACT to incorporate the Danville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. J. W. Proctor, G. W. Welsh, Jr., James R. Incorporators. Mans, John W. Yerkes, J. S. Van Winkle, J. A. Cheek, John M. Meyer, J. A. Quinsberry, W. L.

Caldwell, C. P. Cecil and W. J. Lyle, and their associates, successors and assigns, be, and are hereby, created a body-corporate and politic, under the name of the "Danville Railroad Company," with perpetual succession; and by that name and style shall be capable of taking, purchasing, holding, leasing, selling and conveying real and personal estate, so far as may be necessary or expedient hereinafter mentioned; and in their corporate name may sue and be sued, contract and be contracted with; have a common seal, which they may renew or alter at pleasure; and may have and exercise all rights, powers, privileges, and immunities necessary or proper to be exercised in order to carry into effect the objects and purposes of this act.

Business.

§ 2. The said company shall have power to construct and operate a line of railway of standard gauge, with all the necessary and proper sidings, switches, and branches, extending from the town of Danville, in Boyle county, to some point on the Knoxville branch of the Louisville and Nashville Railroad Company in either Boyle or Lincoln county, on such line as may be deemed by said company the most eligible and practicable route between the said town and railroad; and with right and power to construct and operate branch lines to such points as the said company may, from time to time, deem proper and advisable.

§ 3. For the purpose of making the surveys necessary to enable the said company to locate its line of railway, or any branch or branches thereof, the agents, servants and employes of said company are hereby authorized and empowered to enter upon and make surveys over any lands between the said town and railroad, or on the line of any proposed branch railway, and to set off and mark out on said lands the proposed line of said railway and branches.

§ 4. The said company may acquire by gift, purchase or condemnation, by writ of *ad quod damnum*, as is now provided by law, a perpetual right of way as may be selected by it for its said railway and

branches, not exceeding sixty feet in width, except when a greater width is required by reason of natural formations or obstructions, or by reason of the necessity for side-tracks, stations, water-tanks, or other necessary appurtenances; but in no case shall it acquire by condemnation a greater right of way than is reasonably necessary for the convenient transaction of its business.

§ 5. The said company may purchase or lease and operate other railways in this State connected with its railway, or may lease its own line of railway and other property to any connecting railway in this State.

§ . The authorized capital stock of said company Capital stock. shall be two hundred thousand dollars, divided into shares of one hundred dollars each; and so much thereof as the directors of said company may agree may be issued in payment for property, rights of way, material and equipment furnished, or work and labor done in connection with the construction of said railway and branches. The incorporators, or a majority of them, may, at any time after one week's previous notice, by publication in a newspaper of general circulation in Danville, Kentucky, open books for the subscriptions to the capital stock of said company, which subscriptions shall be made on such terms as to payment as may be previously prescribed by said incorporators, or a majority of them. Shares of stock in said company shall be deemed to be personal property, transferable on the books of the company as may be prescribed by the by-laws. At all meetings of stockholders each share of stock shall be entitled to one vote, and stockholders may vote in person or by proxy.

§ 7. The said company may execute its bonds to an Bonds. amount not exceeding thirty thousand dollars (\$30,000) for each mile in length of its proposed railway and branches as surveyed and located, payable at such time and place as may be provided by the board of

directors, and bearing interest, payable semi-annually, at a rate not exceeding six per centum per annum, and may secure the payment of the same by a mortgage or mortgages on the property, franchises, privileges, immunities and income of said company, with such stipulations and conditions as may be prescribed by the board of directors; and said bonds aforesaid, when issued, may be disposed of as directed by the board of directors.

§ 8. For the purpose of constructing and maintaining its said railway and branches, the said company may acquire by gift, purchase, or condemnation, gravel pits, quarries and earth adjacent to or in the vicinity of the line of said railway or branches, with all necessary rights of ingress and egress to and from the same in order to make the same available to said company for the purposes aforesaid.

§ 9. The said company shall have the right and power to erect and maintain, in connection with its said railway, a line or lines of telegraph along and over its said railway and branches, so far as may be necessary for the transaction of its business and the business of the public.

Affairs.

§ 10. The affairs of said company shall be conducted by a board of directors composed of not less than five or more than eleven stockholders, as the stockholders may from time to time provide, who shall be elected annually at such time as may be prescribed by the by-laws of the company. The said directors shall elect from their number a president and a vice president, and shall also appoint a secretary and treasurer, and such other officers and agents as they may deem necessary. The duties of such officers and agents shall be prescribed by the by-laws of the company.

Begin business.

§ 11. Until the said company shall actively commence the construction of its said line of railway, the corporators named in section one, and their successors and assigns, shall constitute a board of directors, with power to appoint from their number a

president, vice-president, secretary and treasurer; and as such they shall have right and power to do all things herein authorized and deemed by them to be necessary or expedient to be done, preliminary to and necessary to insure the construction of the railway aforesaid. Any vacancies that may occur in the board of directors may be filled by those remaining.

§ 12. The directors of said company may enact and ^{By-laws.} enforce such by-laws for the government of said company and its officers, agents, servants and employes as they may deem proper or necessary, and may alter and amend the same at pleasure: *Provided*, That said by-laws shall not be inconsistent with the Constitution or laws of this State or the United States.

§ 13. Said company shall have the right and power ^{Contract with other lines.} to connect with any other line of connecting railway now or hereafter constructed in either of the counties aforesaid, and operate its railway in connection with such other line of connecting railway, or use a part or all of the same on such terms and conditions as may be mutually agreed on.

§ 14. All actions or proceedings instituted by the ^{Condemn lands.} said company for condemnation of property, for any of the uses herein mentioned, shall be regulated and governed by the General Statutes relating to actions and proceedings for condemnation by writ of *ad quod damnum*.

§ 15. The construction of said railway shall be begun within two years, and completed in four years from the passage of this act.

§ 16. This act shall take effect from and after its passage.

Approved April 14, 1888.

CHAPTER 1073.

AN ACT to amend the charter of the town of Central Covington, in
Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Authorizing levy
of ad valorem
tax.

§ 1. That in lieu of all taxes heretofore collected, the board of trustees of said town of Central Covington shall have the power to assess and collect, annually, an ad valorem tax on the real estate in said town, and the personal estate, choses in action, and moneys within said town, or belonging to the inhabitants thereof, not exceeding one dollar upon each one hundred dollars of the valuation, for the general fund, to be used for general purposes; and to insure the payment of such tax, a lien, superior to all other liens, shall exist, and is hereby given, upon all property assessed, or subject to taxation, from the first day of January, in each year, until payment thereof, which lien shall not be invalidated or in anywise affected by subsequent incumbrances, transfers, or sales.

Town collector
and his duties

§ 2. That said board of trustees shall have power to appoint, annually, a town collector, to collect the taxes assessed by them, who shall give bond, with good and sufficient surety, in such amount as the board of trustees may require, for the faithful discharge of his duties. He shall have the power to coerce the payment of all such taxes, by distress and sale of personal property (and no property shall be exempt from such distress and sale), in the same manner that sheriffs are authorized by law to sell like property under execution. In case no personal property can be found, he shall levy on, advertise and sell the real estate of the delinquent in the same manner that sheriffs are authorized to do in selling real estate under execution, except that there shall be no valuations nor advertisement in a newspaper, and that the sale shall be at the premises. Within sixty days after

such sales, the collector shall make a full return thereof, specifying the property sold, the names of the owners, if known, the purchasers, amount of sale, and when sold, together with a copy of his advertisement, to the town clerk, who shall file, record, and preserve the same. The owner shall have the right to redeem the real estate thus sold at any time within two years, by paying or tendering to the purchaser the amount of his purchase money and fifty per cent. per annum thereon, and all taxes he may have paid on the property since his purchase; or when the purchaser is a non-resident, or can not be found, such amounts may be paid to the town trustees for his benefit. The collector, or his successors in office, shall, if the real estate is not redeemed as above provided, make deeds to the purchasers, or their assigns, of the real estate thus sold for taxes, which deed shall pass the title thereto, and shall have the same force and effect as a sheriff's deed of land sold under execution. Said collector may be allowed such fees for advertisements, sales and deeds, and such percentage for collections, as the town trustees may determine.

§ 3. That the trustees of said town shall have full power and authority, without petition, by a vote of two-thirds of the trustees, to improve any of the streets, alleys, public places, or roads in said town, or any part or parts of either, by grading, leveling, filling, macadamizing, turnpiking, curbing or guttering, and by making sidewalks of wood, brick or stone, or by any one or more of these as they may deem best, at the cost and expense of the owners or occupants of the lots, parts of lots and parcels of land fronting or abutting on each side of the portion of such street, alley, road or public place so improved. The cost and expense of such improvement shall, when the work has been completed and finally accepted by the trustees, be equally appor-

Improvement of
streets, alleys,
etc.

tioned between the owners or occupants of such lots, parts of lots and parcels of land according to the feet front; and a lien is hereby given on said lots, parts of lots and parcels of land to secure the payment of said costs and expenses, to attach from the time the work is ordered to be put under contract; and said lien may be enforced by action in the Kenton chancery court, in the name of the contractor who did the work, and against the owners of the property. It shall be lawful for said court in said actions to correct any error that may have been made in the assessment, or in the proceedings of said trustees, so as to effectuate the lien and to decree the enforcement of the lien, and the sale of so much of the property as may be required to pay such assessment and the costs of the action. No part of the costs and expense of said improvements shall be paid by said town, or for any reason be adjudged against said town, except the intersections of streets, alleys or roads, crossings, public bridges and culverts, which may be paid out of the general fund. After a street, road or alley has been improved and accepted by the town as aforesaid, it shall thereafter be kept in repair, with the exception of sidewalks, at the expense of the town. The trustees of said town shall have, and are hereby vested with, the exclusive control over all the streets, alleys, roads and public places in said town.

May make water contract.

§ 4. That the trustees of said town are hereby invested with full power and authority to contract with the city council of the city of Covington and the commissioners of the water-works of said city, or other proper authorities, to furnish said town and the inhabitants thereof with water, on such terms, and subject to such regulations and restrictions, as may be mutually agreed upon.

Bond of police judge.

§ 5. That the police judge of said town shall give bond, with good and sufficient surety, in such amount as the trustees may require, for the faithful perform-

ance of his duties, and that he will promptly pay over to the trustees all fines and other moneys belonging to said town that may come to his hands.

§ 6. That no person shall be eligible to the office of trustee of said town unless he or his wife is the owner of real estate situated in said town. Eligibility of trustee.

§ 7. That the trustees of said town shall have power to tax peddlers and itinerant persons selling, or offering to sell, goods, wares or merchandise of any kind in said town, and to require them to take out license, with such requisitions and restrictions as may be necessary to enforce said tax; and to provide by ordinance for the punishment in the police judge's court of said town by fine, not exceeding fifty dollars for each offense, of all persons selling, or offering to sell, any of said articles in said town without first taking out such license and paying such tax. Powers of taxation.

§ 8. That any provisions of said charter in conflict herewith are hereby repealed.

§ 9. That this act shall take effect from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1074.

AN ACT for the benefit of Sallie B. White, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sallie B. White, wife of John White, be, and she is hereby, empowered to use, enjoy, sell and convey, for her own benefit, any property she may own or acquire, free from the claims or debts of her husband; and to make contracts, sue and be sued as a single woman, to trade in her own name, and to dispose of her property by deed or will; but in all cases

her property shall be liable for her individual debts, contracts and liabilities.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1075.

AN ACT to amend the charter of the Louisville City Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Louisville City Railway Company be, and it is hereby, authorized to operate any of its lines of railway by cable, electric or animal power, subject to reasonable regulations by the general council of the city of Louisville; and it is authorized to execute, issue and sell its negotiable bonds to an amount not to exceed three hundred thousand dollars, in addition to those heretofore authorized and issued, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and payable at such times and places as be designated therein, and may secure the payment thereof by a mortgage or deed of trust on any or all of its rights, property and franchises, acquired and to be acquired.

Authority to run
road and issue
and sell its bonds

§ 2. Where any other authorized company or person shall desire to run cars over any portion of the track of the said Louisville City Railway Company, and the parties can not agree upon the terms of such use, then the said person or company so desiring to use the said tracks may, before using the same, apply to a court of equity in the said city to fix the compensation and damages for the use of said right of way, tracks and loss or injury to said Louisville City Railway, and in such proceeding the court shall fix the terms upon which said use may be had, and which

Damages, how
assessed for
other roads using
its track.

terms may be changed from time to time by said court, upon the application of either party: *Provided, however,* The right to use for railway purposes more than five hundred feet of the said company's track, or any street occupied by same, shall not be acquired by any other company or person without the consent of said Louisville City Railway Company. All laws, ordinances and resolutions inconsistent herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1076.

AN ACT to close a portion of the alley thirty feet wide, in the city of Louisville, running north-westwardly from Beargrass creek to the junction of Chestnut and Garden streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the alley thirty feet wide, running north-westwardly from Beargrass creek to the junction of Chestnut and Garden streets, as extends from said creek to a point two hundred and eighteen feet south-westwardly from said junction of said streets, may be closed by the consent of the owners of the land abutting on said alley, evidenced by a writing acknowledged and recorded as are deeds, in the office of the clerk of the Jefferson county court; and when said writing is so acknowledged and lodged for record, said portion of said alley shall be thereby closed.

This act shall take effect from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1077.

AN ACT to incorporate the Doe Run Natural Gas and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incorporators and corporate powers.

§ 1. That J. F. Woolfolk, Dr. D. C. Pusey, R. H. Nevitt, A. W. Moreman, Joe S. Moreman, and their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Doe Run Natural Gas and Manufacturing Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded, to take, own and in anywise alien property, real, personal and mixed; have a common seal and alter the same at pleasure, and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or law of this State or of the United States.

Affairs to be managed by board of directors.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than three nor more than nine directors, who shall be elected for a term of one year, and until their successors are elected at a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine, on the second Monday in January in each year. Said directors shall elect a president, a secretary and treasurer, who may or may not be members of said board. The meetings of the board of directors shall be called by the president, or in case of his absence, inability or refusal to act, by a written call by not less than three of the directors. The powers, duties and compensation of the president and other officers of the company shall be prescribed by the board of directors. The incorporators named herein shall constitute the board of directors until the

first annual election provided for herein. In all meetings of the stockholders they shall be entitled to one vote for each share of stock held by them; they may vote in person or by proxy subscribed to by them. Of all meetings of the stockholders five days' notice shall be given by the secretary of the company.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid for at the time, and upon the terms, and transferable in the manner to be prescribed in the by-laws of said company, and may be paid for in money, lands or services performed. The stockholders of said company may, by a two-thirds vote of all the stock at a meeting called for that purpose, increase said stock not exceeding one million dollars. Capital stock.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic stone, cement stone and potter's clay, or any of them which may upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in these articles mentioned, it may have or acquire the right. And to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing such natural gas, petroleum and salt water, or either, and construct, lay or maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances, in or by means of which such gas, petroleum or salt water, or either of them, may be produced, stored, distributed, sold or utilized, and to construct, lay and operate conducting pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storing, sale and utilization of the products of said company, either upon, under, to or from any of said lands or other places. Nature of business.

May open
streets, alleys,
parks, &c.

§ 5. With the consent of any city or town within this Commonwealth, by ordinance or resolution of its general council or board of trustees, said company shall have power and authority to open the ground in any street, alley, park, lane or other public place within its limits, and lay therein, remove, alter, repair and maintain such pipes for so conducting, distributing, vending and utilizing said natural gas for the purpose of illumination and heating, restoring such ground, however, and any improvement to as good condition as before within a reasonable time; and in doing the acts mentioned in this section said company shall commit no injury to any gas or water pipe or sewer laid within the grounds.

May consolidate
with other com-
panies.

§ 6. This company shall have power to consolidate with other companies engaged in developing natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed upon; and in order to the conveyance of such natural gas to any of the towns or cities within the State, said company shall have power to acquire, by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the board of directors of said company to lay, maintain and repair such pipes and buildings, retorts and other apparatus or appliances needed to be used in order to properly and economically convey said gas as aforesaid; and in order to such acquisition of such use of lands said company shall cause such use of, in and over and under only so much as may be necessary to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April 11, 1882; and shall have power to construct necessary structures across Salt river to support their gas mains, and may lay said gas mains underneath the water, but in such a manner as not to interfere with the navigation of said river.

§ 7. The principal place of business of this corporation shall be in the town of Brandenburg or the city of Louisville, as the directors may from time to time determine.

§ 8. The private property of the stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1078.

AN ACT for the benefit of late sheriffs of Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. P. Pierce and E. C. Flanary, late sheriffs of Crittenden county, Kentucky, be, and they are hereby, allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills and county levies and poll-tax, which are in their or either of their hands uncollected, with the power to levy and distrain for same as now provided by law in reference to the collection of said matters, and that said Pierce and Flanary be allowed to place said taxes, fee bills, county levies and poll-tax in the hands of any sheriff, deputy sheriff or constable of Crittenden county, Kentucky, for collection, at any time within the period aforesaid, and shall be liable for issuing illegal fee bills as now prescribed by law.

§ 2. This act to take effect from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1079.

AN ACT to incorporate the Madison and "Kentucky Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Joseph C. Abbott, John McGregor, Thos. A. Ponge, William O. Coleman and Capt. J. W. McKain, and their associates, successors and assigns, are hereby constituted and declared a body-corporate forever, under the name of the Madison and Kentucky Bridge Company; with power to sue and be sued, contract and be contracted with, and with all other powers, rights and privileges incident to corporations; and may have a common seal, and alter the same at pleasure.

§ 2. Said Madison and Kentucky Bridge Company is hereby empowered to locate, construct, maintain and use, under the laws of the United States, a bridge for railway, wagon, street railway and all other purposes, between the city of Madison, State of Indiana, or from any point in Jefferson county, Indiana, as may be deemed most practicable; and such point in Trimble county or Carroll county, Kentucky, opposite, over the Ohio river; and said company is hereby clothed with all the powers, privileges, franchises and rights necessary to the carrying out of the provisions and purposes of this act; and is empowered to purchase, lease or condemn all real estate that may be necessary for the purposes of said corporation, whether for piers, approaches, tracks, toll-houses or approaches leading to the same; and shall all rights and powers for the condemnation of property as may be necessary and requisite to secure the purposes of this act. If such lands can not be procured through voluntary agreement of the owners thereof, said company may have the same condemned and pay therefor in manner now provided for by law.

§ 3. Said corporation shall have the power to lay down on said bridge a single or double track for railroad cars or street cars, or for wagons or other vehicles, and all animals, and to erect foot-ways for passengers, and to charge for the use thereof reasonable tolls ; and for said purpose may erect on either side, or both sides of said bridge, toll-gates, and may do all other acts or things necessary for collecting the charges for the use of said bridge.

§ 4. The capital stock of said company shall be one million five hundred thousand dollars (\$1,500,000), or any less sum the stockholders may fix, and shall be divided into shares of one hundred (\$100) dollars each, and be payable at such time and in such manner as the board of directors of said company may require. Capital stock.

§ 5. Said corporation is hereby authorized to borrow any money for the purposes named in this act, and to pledge its property and franchises to secure the payment of the same, and to issue bonds in any amount, not exceeding fifteen hundred thousand dollars, its stockholders may determine, and secure the same by a mortgage or deed of trust upon all its property and franchises of every kind ; and said bonds may be made payable as said company may direct, not exceeding forty years from their date of issue, and may bear any rate of interest, not exceeding six per cent. ; and said bonds and interest may be made payable at any place the board of directors of said company may deem proper, and may be sold or disposed of as said board may direct. Borrow money.

§ 6. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may organize this corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon and designate, and from their own number, or from such First board of directors.

persons as they may associate with themselves, choose a president and appoint such other officers and agents as may be necessary ; they shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the corporation, as may be needful and proper, and alter, amend or repeal the same at will.

By-laws.

§ 7. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding election of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number, and shall choose from their number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for transaction of business. At the election of directors and all the meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy ; provisions shall be made in the by-laws for annual meetings of stockholders, and such called meetings as may be necessary.

May contract
with railroads.

§ 8. Said corporation may contract with any railroad company in or out of this State for the use of said bridge by its cars or engines, or for other purposes ; and any railroad company or person or municipal corporation, in or out of this State, may subscribe for the capital stock of said Madison and Kentucky Bridge Company, upon any terms or conditions agreed upon ; and may make such contracts or agreements as may be deemed expedient for the use, management, or control of said bridge.

§ 9. That the Madison and Kentucky Bridge Com-

pany be, and is hereby, authorized and empowered to ^{May incorporate in Indiana.} have and exercise in the State of Indiana all the rights, powers, franchises and privileges contained in and conferred by Acts of the General Assembly of the State of Indiana providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common road-way purposes, or both, over rivers and streams forming the boundary of the State of Indiana as part thereof, so far as the same may, under the laws of said State, be had and exercised by said company. And said Madison and Kentucky Bridge Company is authorized and empowered to consolidate with any bridge company organized under the laws of the State of Indiana for the purpose of building a bridge or bridges in connection with said Madison and Kentucky Bridge Company, and any such consolidation made or hereafter made is hereby approved, ratified and confirmed.

§ 10. The directors of said company may make con- ^{Contract for construction.} tracts with any corporation, company, individual or individuals, for constructing and equipping said bridges, and pay for the same, wholly or partially, in the stock, bonds or other property of said company, in such manner and upon such conditions as may be deemed for the best interests of said company.

§ 11. This act shall take effect from its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1080.

AN ACT to incorporate the Metropolitan Electric Light and Electrical Supply Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. Maloney, W. P. Kimball, W. J. ^{Incorporators.} Houlihan, P. Conlon, Louis Straus and H. T. Duncan, their associates, successors and assigns, be, and they

are hereby, created a body-corporate and politic, with right of perpetual succession, under the name and style of the Metropolitan Electric Light and _____
Name. Company; and by that name may sue and be sued, plead and be impleaded, in any court or courts; and may in said name contract and be contracted with; purchase, acquire, hold and sell property, real, personal and mixed, to the extent only and for the purposes hereinafter mentioned. They may have and use a common seal, and alter the same at pleasure.

§ 2. The authorized capital of said company shall
Capital stock. be one hundred thousand dollars, which may be increased by the first board of directors, or any succeeding board, to such a sum as they may deem necessary for the needs and conduct of the business; but no such increase shall be made until ratified by a majority vote of the stockholders. When one hundred shares of stock shall have been subscribed, said company may organize and proceed to business. Said company may mortgage or bond its property and franchises in an amount not to exceed its capital stock, the bonds to be secured by mortgage or deed of trust upon its property and franchises, and to be in denominations of not less than one hundred dollars nor more than one thousand dollars, and bearing interest at a rate not exceeding six per cent.

§ 3. The business of said company shall be the
Business. manufacturing and selling and leasing of all kinds of telegraph, telephone, electric light and electrical goods and machinery; the manufacturing, operating, leasing and selling of electrical machinery to produce power and light, or either, by electricity; the lighting of houses, factories, hotels, villages, towns and cities, by electricity or electric lights, and the doing and carrying on of all business necessary to the proper carrying into effect the purposes for which said company is organized; and in pursuance thereof said company may purchase, hold and convey all property, real and personal, which may be necessary

for the convenient prosecution and carrying on of said business, and may sell and dispose of same at pleasure; with the right to erect and maintain poles for the support of wires over, and the right to construct and maintain conduits for carrying wire under the streets and alleys of the villages, towns and cities of this Commonwealth in which it may establish and maintain plants for furnishing electric light or power; but such wires, poles and conduits shall in all cases be placed and constructed in accordance with the reasonable regulations of the proper authorities of such towns, villages and cities; and it may so construct its wires and poles over and along any public road of this Commonwealth, only, however, upon such terms and conditions as may be agreed upon between this company and the authorities controlling said roads, if the same be under corporate authority, or, in the absence of such, upon terms agreed upon between this company and the proper county authorities.

§ 4. The affairs of said corporation shall be under ^{Officers.} the management and direction of a board of directors, consisting of not less than five stockholders, one of whom shall be chosen president of said board. The number of the directors may be increased at any time by the stockholders, at any meeting for the regular election of directors. The said board of directors shall be elected by the stockholders, at such time as may be agreed upon at a meeting for that purpose, of which meeting a notice in writing shall be given or mailed to each stockholder. Each share of stock shall be entitled to one vote. After the first election the directors shall be elected annually, at such time as the by-laws of the company may fix; and the directors so elected shall hold their office for one year, and until their successors are duly elected and qualified.

§ 5. Said board of directors shall have the power to make, alter and amend by-laws for the government of said company, not in conflict with the laws or Consti-

tution of this State or the United States. They shall have the power to fix and determine the number and character of officers, agents and employes of said company; to fix, appoint and pay the salaries and wages of said officers and employes; and to make and prescribe such rules and regulations for the carrying on of the business of said company as they may deem proper; and they may take from any such officers, employes and agents bonds with security, conditioned for the faithful performance and discharge of their respective duties, and to account for all money and property of the company which may come into their hands.

§ 6. The stock of said company shall be transferable only on the books of the corporation. The private property of stockholders shall not be liable for the debts of the corporation.

§ 7. The principal office of said company shall be at Lexington, Kentucky, but may be removed at any time to any other town or city of this Commonwealth, whenever, in the judgment of the board of directors, the interest of the company may be best subserved by such change and removal; but no such removal shall be made unless same be satisfied by a vote of three-fourths of all the stockholders.

§ 8. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1081.

AN ACT defining the jurisdiction of the city court of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city court of Louisville shall have exclusive jurisdiction to try and determine all cases for the violation of the ordinances of the city of Louis-

ville, and also for the final trial of all misdemeanors in which the punishment fixed by law may not exceed a fine of one hundred dollars, or imprisonment not exceeding fifty days, or both such fine and imprisonment; and the jurisdiction of said court as an examining court be and remain as now provided by law.

§ 2. The costs incurred in the preliminary trial in the city court of misdemeanors, in which parties are held to answer before the Jefferson circuit court, shall be certified to the said Jefferson circuit court and form a part of the judgment of said court, to be collected from the defendant. And the original papers in all cases held for trial by the said city court to the said circuit court shall be delivered to the clerk of the said circuit court or to the attorney for the Commonwealth.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after first day of September, 1888.

[Became a law without approval of Governor April 16, 1888.]

CHAPTER 1083.

AN ACT to repeal section 13 of an act, entitled "An act to authorize the county courts to establish work-houses, and to provide for the confinement therein of persons adjudged guilty of misdemeanors," approved March 9, 1876, so far as same applies to Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 13 of an act, entitled "An act to authorize the county courts to establish work-houses, and to provide for the confinement therein of persons adjudged guilty of misdemeanors," approved March 9, 1876, be, and the same is hereby repealed.

§ 2. This act shall take effect from its passage, and shall apply to Christian county alone.

Approved April 16, 1888.

CHAPTER 1084.

AN ACT for the benefit of William Hardwick, of Wayne county.

WHEREAS, William Hardwick, of Wayne county, Kentucky, was convicted of felony in said county in the year of 1868, and sentenced to the State Penitentiary for the period of one year; he having served his time and then returned to Wayne county, and has lived there ever since a good, industrious, law-abiding and tax-paying citizen, and during this long period has been denied the right of suffrage; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said William Hardwick be, and he is hereby, restored to the right and privilege of voting, and all the disabilities by reason of said incarceration are hereby removed.

§ 2. This act to take effect and be in force from and after its passage.

[Became a law without approval of Governor April 17, 1888.]

CHAPTER 1085.

AN ACT to amend an act to authorize the county court of Mason to subscribe to the capital stock of railroad companies, approved March 29, 1886, and also an act to amend said act, approved April 30, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county, composed of the presiding judge of said court and a majority of the magistrates of said county, is hereby authorized and empowered to subscribe not exceeding twenty-five thousand dollars to the capital stock of "The Maysville and Big Sandy Railroad Company," in addition to the sum of fifty thousand dollars which has been heretofore subscribed under the act and

amendment to the act to which this is an amendment : *Provided, however,* That no such additional subscription shall be made to said company unless same is necessary to pay for the right of way for its railroad between Ashland and the Campbell county line, in addition to the sums heretofore voted for said purpose by the counties of Mason, Lewis and Greenup, and the cities of Augusta and Maysville.

§ 2. In making said additional subscription the court shall be governed by the provisions of the act and amendment to the act to which this is an amendment, except and provided that if the additional subscription shall exceed the sum of fifteen thousand dollars, the question shall be submitted to a popular vote in same manner as the original subscription was submitted.

§ 3. The said county court may issue bonds of the county as in the other subscription, or levy the amount subscribed at its discretion.

§ 4. This act shall take effect and be in force from its passage.

Approved April 16, 1888.

CHAPTER 1086.

AN ACT to establish the Erlanger District, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the county of Kenton as is embraced within the following boundary, to-wit: Beginning on the Covington and Lexington Turnpike Road, at the intersection of the Buttermilk Turnpike Road ; thence extending with the last-named road to the gate of Joseph Cleveland's residence ; thence westwardly to Dry run, including the lands of Henry Nilmeyer and James Riggs ; thence northwardly down Dry run to the Boone county line ; thence

Boundary of district.

southwardly with the line of Boone and Kenton counties to the Florence and Independence Turnpike Road ; thence eastwardly with said road to the Turkey-foot road ; thence northwardly with said last-mentioned road to Turkey-foot creek ; thence with said creek to Bullock Pen creek ; thence eastwardly and down said last-mentioned creek to Spencer Meeks' line ; thence northwardly with his east line, and including the Buckner land, to the Banklick road, at the corner of S. W. Henry and Charles Frazier's lines ; thence with the Banklick road westwardly to the Junction Turnpike Road ; thence eastwardly with said road to the lane between the lands of Alfred and Dorsel ; thence down said lane to Horse Branch creek ; thence down said creek to Cheeseman road ; thence westwardly with said road to the Covington and Lexington Turnpike Road ; thence southwardly on said last-named road to the place of beginning, is hereby created and established as a separate justices' and election district in said county ; and the same shall be known as the Erlanger District.

Voting places. § 2. Said district shall have two voting places—one at Erlanger and the other at the Five Mile House, on the Covington and Lexington Turnpike Road. At the next regular election to be held in Kenton county, at which justices of the peace and constables are to be elected, two justices of the peace and one constable shall be elected for said district ; and the Governor of this Commonwealth shall, as soon as may be after the passage of this act, appoint and commission two justices of the peace for said district, who shall hold their offices until their successors are elected and qualified as aforesaid. The justices of the peace for said district shall have jurisdiction of actions and proceedings whenever the amount or value in controversy is not more than one hundred dollars (\$100), exclusive of interest and costs. The judge of the county court of Kenton county shall, as soon as may be after the passage of this act, appoint a constable

of said district, who shall hold his office till his successor is elected as aforesaid and qualified. The constable for said district shall have power to arrest, without warrant, persons committing within said district the offenses of breach of the peace, assault and battery, prize-fighting, dog-fighting, cock-fighting, larceny, arson, burglary, house-breaking, trespassing, or unlawful hunting, or aiding or abetting any such offenses; but for any abuse of the powers, or for any wrong done by color of the authority hereby conferred on him, said constable shall be subject to the same liabilities as other peace officers.

§ 3. All laws and parts of laws that relate to the first magisterial district of Kenton county, outside of the city of Covington, with reference to the recording of deeds, mortgages, assignments, conveyances and transfers of any kind, or in reference to the institution, trial, issuing or return of any suit, action, prosecution, process, writ or judicial proceeding, act or matter of any kind under which any act, thing or proceeding is authorized or required to be done or had in the city of Covington, or at any court or office therein, or by or before any officer therein or having an office in said city, are hereby declared and made operative as to the district established by this act.

§ 4. This act shall take effect from its passage.

Approved April 16, 1888.

CHAPTER 1087.

AN ACT to incorporate the J. P. Barnum Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph P. Barnum and Dwight N. Marble, Names of incorporators and corporate powers their associates, successors and assigns, are hereby made a body-corporate with perpetual succession,

under the name of the J. P. Barnum Company ; and in and by that name are made capable in law to acquire, to hold and occupy and enjoy all such real estate, goods and chattels, as may be necessary for the purpose and use of said corporation ; and to buy and sell and convey in the manner provided for in its by-laws ; and to sue and be sued, contract and be contracted with, defend and be defended, in all courts and places ; may have and use a common seal, and the same alter, break and renew at pleasure ; and to ordain, establish and put in execution such by-laws, not contrary to the laws of the Commonwealth, as may be necessary for the government of said corporation.

Nature of business.

§ 2. The general nature of the business to be transacted shall be the manufacture, purchase and sale of drugs, medicines, proprietary articles, chemicals, druggists' sundries, and such other goods as are incident to the wholesale and retail drug business ; and the manufacture of chemical, pharmaceutical and toilet preparations, and all that pertains to the business of manufacturing and practical chemists, analytical chemists and assayers. It shall have the power to make contracts, to acquire, hold and transfer property, real, personal or mixed, possessing in these respects the same rights as a natural person.

Capital stock.

§ 3. The capital stock of said corporation shall be twelve thousand dollars, divided into shares of one hundred dollars each ; and provided, that the capital stock may, from time to time, be increased by the stockholders to any amount not exceeding fifty thousand dollars. The shares shall be transferable only on the books of said company, with and by consent of the corporation, through its proper officers.

Officers.

§ 4. The officers of said corporation shall be a president and secretary, each of whom shall be a stockholder and member of the board of directors, and either of whom may perform the duties of treasurer.

Board of directors.

§ 5. The stockholders of said company shall constitute the board of directors, a majority of whom shall

constitute a quorum for the transaction of all business pertaining to the management and conduct of the affairs of the company. The first board of directors shall continue as such until an election is ordered by the said board, from and after which time the board of directors shall consist of any number of stockholders fixed by resolution of the board of directors, not to exceed five in number. At all elections herein provided for, each share of stock shall be entitled to one vote, which may be represented in person or by proxy. The whole of the capital stock has this day been fully paid in, and this company shall begin its corporate existence upon the passage of this act, and shall continue for twenty-five years, unless sooner dissolved.

§ 6. The highest amount of indebtedness, either Limit of indebtedness. direct or contingent, to be incurred at any one time by the said corporation, shall not exceed one-half of the capital stock paid in.

§ 7. The private property of the members of said Exemption of private property. corporation shall be exempt from liability for the corporate debts.

§ 8. This act shall be in force from and after its passage.

Approved April 16, 1888.

CHAPTER 1088.

AN ACT to incorporate the Young Men's Democratic Club, of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. W. Ball, John L. Whitaker, John C. Names of incorporators and corporate powers Everett, P. P. Parker, Henry Ray, Chas. B. Poyntz, Hugh F. Shannon, Thomas Guilfoyle, R. Dawson, M. J. McCarthy, C. L. Sallee, Chas. D. Newell, W. P. Campbell, their associates, successors and assigns, be,

and they are hereby, created a body-corporate and politic, under the name and style of the "Young Men's Democratic Club;" and by that name shall have perpetual succession, and power to contract and be contracted with, sue and be sued, and do business generally.

Nature of business.

§ 2. The said club shall be located in the city of Maysville, Kentucky, and is authorized to establish, furnish and maintain a suitable hall or club house for the use and benefit of its members, and for the purpose of social enjoyment, the advancement of science, of political economy, and the promotion of the principles of democracy, and for that purpose may purchase, build, lease or rent suitable land and buildings in said city; and the said club may take and hold, by gift, purchase, contract or devise, personal and real estate to the value of ten thousand dollars, which shall be used for the benefit of the club.

Capital stock.

§ 3. The capital stock of said club shall not exceed ten thousand dollars; the said stock to be divided into shares as may hereafter be agreed upon by the directors. Said stock to be held only by members of the club; and upon the death, resignation or expulsion of any member, the stock held by him shall revert to the club.

Election of officers

§ 4. The club may be organized as soon as twenty-five members have been enrolled, and may proceed with the election of the following officers, viz.: One president, five vice-presidents, one secretary, and six directors, which officers shall be intrusted with the fiscal and prudential affairs of the club. Said officers to be elected annually from among the active members of the club. All elections for officers to be by ballot, and upon such days and at such place as may be agreed upon by the directors. The directors may also order the election of such other officers, not herein provided for, as are necessary or proper for the promotion of the club.

§ 5. Its members may make such by-laws, rules and

regulations, as they may deem proper, from time to time, for the government and management of the club, and they may, by by-laws, prescribe the duties and qualifications of its members and the conditions upon which persons may become and remain members of the club. The members may be divided into two classes, active and honorary.

§ 6. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1089.

AN ACT to enable the justices of the peace of precinct No. 2, of Mason county, to hold their courts and offices in the quarterly court-room of the Mason county court-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the justices of the peace of precinct No. 2, of Mason county, to hold their courts in the room of the court-house of Mason county, known as the quarterly court-room, and now used as an office and court-room by the justices of the peace of precinct No. 1 ; and the said justices of the peace for said precinct No. 2 are authorized and empowered to hold their court and keep their offices in said quarterly court-room, and to transact all business pertaining to their offices as justices of the peace in said quarterly court-room, as if said room was in precinct No. 2, of Mason county, for which purpose their jurisdiction is extended to said room ; and they are given all the rights and privileges in the use of said room now exercised by the justices of the peace of precinct No. 1, of Mason county.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall be in force and effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1090.

AN ACT to authorize constables of Green county to levy on and sell land, or any interest therein, in Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any constable of Green county be, and he is hereby, authorized and empowered to levy on and sell land, or any interest therein, under any execution issued from the circuit court that may be placed in his hands for collection: *Provided*, That said land is not exempt from said execution under the laws of this Commonwealth; and in making said levy and sale he shall proceed in the same way, and have all the powers and privileges, and be subject to the same penalties of sheriffs under the laws of this Commonwealth in regard to the levy and sale of land under execution.

§ 2. That all laws in conflict with this act be, and the same are hereby, repealed, so far as constables of Green county are concerned.

§ 3. This act shall be in force from its passage.

Approved April 16, 1888.

CHAPTER 1091.

AN ACT to incorporate the town of Lee City, in Wolfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated the town of Lee City, with corporate limits to the same, viz: One-half mile every way from the post-office in said town.

Election of
officers

§ 2. There shall be elected annually, on the first Monday in May, by the legal qualified voters of said town, five trustees for said town of Lee City, and a

mayor and town marshal. Said trustees shall have perpetual succession, who, in their corporate name aforesaid, shall have power and capacity to sue and be sued, implead and be impleaded, grant and receive, by their corporate name, and do all other acts as natural persons do; and as such may make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution or laws of the State or of the United States; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to wit, the improvement of said town and its good government. One of said trustees to be by them chosen shall be president of the board, but a majority may act.

§ 3. All qualified voters living inside the limits of said town, or owning real estate therein, shall be entitled to vote in the election of trustees and all other town officers; but no person shall be eligible to the office of trustee but real estate owners in said corporate limits. Qualification of voters.

§ 4. The trustees, when elected, shall continue in office for one year, and until their successors are qualified, and shall take an oath to faithfully discharge all the duties pertaining to their office. Term of office of trustees.

§ 5. The said trustees shall have power over the streets, alleys and sidewalks of said town, and may direct and order the improvement of the same as they may deem best for the interests of the said town. They shall have power to levy and collect an ad valorem tax on the property of said town not exceeding twenty-five cents on the one hundred dollars in any one year. They shall have power to tax all auction sales, shows and exhibitions for money or profit, such sums as they may deem just, or as may be provided in their by-laws. They shall have power to declare what are nuisances, and to remove the same; and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted. Streets, alleys, &c.

§ 6. That it shall be the duty of said trustees to appoint a clerk and treasurer, and, by ordinance, define their duties, and shall require the treasurer to give bond for the performance of his duties.

§ 7. All taxes levied and collected by said trustees, and all fines and forfeitures for violation of by-laws and ordinances of said town, shall be paid to the treasurer for the benefit of said town.

§ 8. No money shall be drawn from the treasury, except by the order of the president of the board of trustees in pursuance of the orders of said board.

§ 9. The trustees may annually appoint an assessor to take a list of all the taxable property in said town.

§ 10. The mayor, when elected, shall hold his office for one year, and until his successor is qualified. Said mayor shall, by virtue of his office, be a conservator of the peace, and before he enters upon the discharge of his duties take an oath before the county judge of Wolfe county to faithfully and impartially execute all the duties of mayor of said town, and shall take such other oaths as are required of justices of the peace. The mayor shall have concurrent jurisdiction with the justices of the peace in Wolfe county, and be entitled to the same fees. The mayor shall have jurisdiction within the limits of said town of all infractions of the by-laws and ordinances of said town. A vacancy in the office of mayor shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election.

§ 11. The town marshal, when elected, shall hold his office for one year, and until his successor is qualified, and before entering upon his office take the same oaths required of constables of Wolfe county, and in the county court of Wolfe county execute bond, with good security, the same as required of constables; with the further covenant that he will perform all the duties of marshal of said town according to law. The marshal shall have concurrent jurisdiction with constables in Wolfe county, and be entitled to the same

fees for his services. It shall be the special duty of said marshal to execute all processes issued for all alleged violations of by-laws and ordinances of said town, and to promptly collect all taxes, fines and forfeitures, and pay the same to the trustees of said town.

§ 12. The trustees are empowered to pass such by-laws and ordinances which do not contravene any law of this Commonwealth as may be necessary for the good government and well-being of said town, and to fill any vacancy in any office created by this act.

§ 13. Said trustee shall have no power to grant any license to coffee-house of whisky dealers in said town.

§ 14. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1093.

AN ACT for the benefit of the Harrodsburg and Batton Rouge Turnpike Road Company, in Mercer county.

WHEREAS, A portion of the Harrodsburg and Batton Rouge Turnpike Road, from the mouth of the bridge over Chaplin river at Batton Rouge, and thence up the banks of said river a distance of about one hundred rods, is, on account of wash by said river, so encroached upon by the river that a portion thereof has already fallen in, and the remainder in great danger of destruction; and whereas, it is impracticable to repair or attempt to securely repair same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Harrodsburg and Batton Rouge Turnpike Road Company are authorized and empowered hereby to change so much of the route of said turnpike road, beginning

at the mouth of the bridge over Chaplin river at Batton Rouge, on the west side of the river, and running up the river to a point fifty yards, if desired, from where said turnpike leaves the route of the said river.

§ 2. To accomplish the purposes as set out in section 1, the said president and directors are authorized, with surveyors or engineers, to go upon any lands adjacent to said road where the change is authorized, and survey, determine and locate a route said road is to run in order to make such change; and may acquire the right of way for such turnpike for such change by writs of *ad quod damnum*, in the manner and as is prescribed by General Statutes.

§ 3. When such right of way has been condemned, the said turnpike road company are authorized to macadamize the same, and it shall be a part and parcel of said Harrodsburg and Batton Rouge Turnpike, as if located and completed under the original charter of said company.

§ 4. This act to be in force from its passage.

Approved April 16, 1888.

CHAPTER 1094.

AN ACT to amend the charter of the city of Dayton, Campbell county, and extend the boundaries thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits and boundary of the city of Dayton shall be as follows: Beginning at the south-east corner of the original survey of the town of Jamestown, Campbell county, Kentucky (now part of the city of Dayton); thence northwardly with the eastern boundary of said survey to low-water mark of the Ohio river; thence down the Ohio, as it

meanders, at low-water mark, to the easterly line of the land of Mrs. K. L. Harris' heirs, being the easterly line of the town of Bellevue, Kentucky; thence with said easterly line of Bellevue southwardly to the southerly line of Poplar street of said town of Bellevue; thence with the southerly line of Poplar street extended eastwardly to the westerly line of A. A. E. Taylor's subdivision; thence with said westerly line of A. A. E. Taylor's subdivision southwardly to the northerly line of Jos. Taylor's highland subdivision; thence with said highland subdivision line eastwardly to the easterly line of A. A. E. Taylor's subdivision; thence with said easterly line northwardly to the southerly line of L. & B. Hazen's addition to Brooklyn (now part of the city of Dayton); thence with the southerly line of said L. & B. Hazen's addition eastwardly to Dayton avenue; thence northwardly with Dayton avenue to a point where the southerly line of F. X. Vogleback, extended, intersects said Dayton avenue; thence with said extended line, and the southerly line of said Vogleback, eastwardly to the center of Berry street extended; thence northwardly with Berry street to the southerly line of the original survey of Jamestown; thence with said southerly line of Jamestown eastwardly to the place of beginning.

§ 2. All acts in conflict herewith, except the act approved May 14, 1886, as far as said act relates to the property of Mrs. E. T. Gilmore, are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1095.

AN ACT to amend the charter of the Jefferson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the charter of the Jefferson Turnpike Road Company be amended as follows :

§ 1. The said Jefferson Turnpike Road Company is hereby authorized and empowered to construct a branch turnpike road over Chenoweth's lane, which is a public road, from where said lane intersects the said Jefferson Turnpike Road to where said lane connects with the Louisville and Shelbyville Turnpike, at St. Matthews, in Jefferson county, Kentucky, the distance one and one-third miles.

§ 2. The board of directors of said Jefferson Turnpike Road Company may, in their discretion, build said branch road twelve feet wide; and when completed, the said Jefferson Turnpike Company may charge and collect tolls from all persons traveling or using said road, and at the same rate per mile as is now allowed to be charged on the main part of its said road.

§ 3. Said board of directors shall be empowered to increase the capital stock of said Jefferson Turnpike Company to the extent of the cost of building said branch road from said Jefferson Turnpike Road to St. Matthews, on Shelbyville pike, and to issue stock for same.

§ 4. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1096.

AN ACT to authorize the trustees of common school district No. 1, in Lincoln county, to sell and convey parts of the school-house lot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of common school district No. 1, in Lincoln county, be, and they are hereby, authorized to sell and convey portions of said lot on the north, south and west sides of the school-house, now owned by the district: *Provided*, That they shall not make sales so as to reduce the area of the lot to less than three acres.

§ 2. The proceeds of the sales shall be paid by the purchaser or purchasers to the county superintendent of public schools, who shall be responsible on his bond therefor, and shall pay out the same on the orders of the trustees for the payment of any debt contracted by them for the school-house, or for repairs on or additions to same, or for ornamentation of the school-house ground, or improvements thereon.

§ 3. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1097.

AN ACT to amend chapter 49, Session Acts 1888 and 1884, entitled "An act to amend chapter 1305," Session Act 1881 and 1882, entitled "An act to authorize the Carroll county court to subscribe stock in turnpike roads in said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Amend section 1, chapter 1305, Session Acts 1881 and 1882, by striking out all after the word "subscribe," in the fifth line, to the word "hereafter"

in the sixth line, and insert in lieu thereof the following: (\$800) eight hundred dollars for each mile of turnpike road connecting with or extending any other turnpike road in Carroll county, or for three miles or more on any public road in said county.

§ 2. This act shall take effect from and after its passage; and all acts or parts of acts in conflict with this act are hereby repealed.

Approved April 16, 1888.

CHAPTER 1098.

AN ACT concerning turnpikes in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county court of Grant county, on the motion of any officer or director of any turnpike company in said county, or on motion of the county attorney, to fix, by order of court entered of record, the maximum weight of any load which may be hauled over or along any turnpike road in said county, said maximum weight to be fixed and graduated according to the width of the tire or tread of the wagon or other vehicle on which said load may be hauled.

§ 2. As soon as practicable after the entry of said order, the directors of any turnpike company in said county, desiring the benefits thereof, shall cause a written or printed copy of said order to be posted at each toll-gate on the line of their road.

§ 3. That it shall be unlawful, after the entry of record of said order, for any person to haul over or along any turnpike road in said county any load of greater weight than the maximum weight fixed in said order for a load on any wagon or other vehicle having a tire or tread of a like width with that of the person

so offending; and any person guilty of a violation of the foregoing provision shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined the sum of twenty-five dollars for each offense.

§ 4. It shall be unlawful for any person to rough-lock any wagon or other vehicle on any turnpike in Grant county, and any person so offending shall, on conviction, be fined twenty-five dollars for each offense.

§ 5. The rate of toll for a traction engine or steam thrasher shall be thirty cents per mile.

§ 6. This act shall take effect and be in force from and after its passage.

Approved April 16, 1888.

CHAPTER 1099.

AN ACT authorizing Knox county to raise money for building a bridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Knox county, a majority of the justices of the peace with the county judge of said county being present and concurring therein, be, and is hereby, authorized and empowered to levy at each annual session an ad valorem tax and capitations of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county, and exceeding fifty cents on each poll-tax in said county, and the money when so raised to be used in building a bridge across Cumberland river at or near Barbourville.

§ 2. It shall be the duty of the sheriff of said county to collect said taxes, and for collecting same they shall be allowed the same commission now allowed them by law for collecting the revenue tax provided for in the first section of this act. They shall execute bond with good and approved surety or

sureties, in the said county court, for the faithful performance of their duties in collecting, accounting for and paying over the said taxes in due time, as the said county court may direct; and for any violation of said bonds suit may be instituted in any court having jurisdiction in said case.

Commissioners. § 3. The county court of said county may, at any time, when a majority of the justices concurring therein, elect or appoint two commissioners and the county judge to superintend the building of said bridge, with power to issue and sell bonds to raise money to build said bridge; said bonds shall have coupons attached thereto, and shall bring their face value, and shall not exceed six per cent. interest per annum, and shall mature at a time agreed on by said commissioners. They shall not sell bonds to exceed twenty thousand dollars. The county judge and county court clerk shall sign said bonds and coupons attached thereto; and before said commissioners shall enter upon the duties of their office they shall be duly sworn and give bond for the faithful discharge of their duties; the county court shall allow them a reasonable fee for their services as commissioners, to be paid out of the bridge fund; the county court may dismiss one or all of said commissioners at their pleasure, and appoint others in their place likewise.

Bonds.

Oath.

§ 4. The bridge shall be under the control of the county court, with such restrictions as they may agree on, so as not to be a greater rate of toll than is now charged on pikes for a distance of five miles.

Control.

§ 5. The county court may order an election, and submit the question to the voters of Knox county, as to whether they shall raise money, as this act provides, or not; if such election is ordered, and the voters, or a majority of the votes cast in favor of raising money as this act provides for, then the county court shall carry out the provisions of this act.

Election.

§ 6. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1100.

AN ACT to incorporate the Providence Turnpike Road Company,
in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed and incor- Corporate name.
porated under the name and style of "The Providence Turnpike Road Company," for the purpose Objects and powers.
of constructing a turnpike in Mercer county, beginning at the Frankfort, Harrodsburg and Crab Orchard Turnpike, near Providence Church; and thence west, crossing Salt river, to a point between Hopewell Church and Wm. Ryearson's; and that said company, under that name, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with; may acquire by purchase, relinquishment or writ of *ad quod damnum* the right of way for its road, and ground for toll-house, and rock and timber and quarries as may be necessary and proper in the construction and repairs of said road.

§ 2. That the capital stock of said company shall Capital stock.
not exceed ten thousand dollars, to be divided into Shares.
shares of fifty dollars each.

§ 3. That James Smith, Anthony Johnson, Jonas Commissioners.
Robb, Wm. L. Norton, J. N. Driskill and Lewis Wilson, are hereby appointed commissioners, who are authorized to receive subscriptions of stock to Receive subscriptions.
said company, or other subscriptions, and who are authorized to call a meeting of the stockholders, and from such stockholders elect a board of five di- Directors.
rectors, and from such directors elected a president, Officers.
secretary and treasurer is to be elected by said directors. In the election of directors each share of stock represents one vote. Such directors so elected to hold their office for twelve months, and until their successors are elected, which is to be done annually.

§ 4. Said directors may determine the width of said road, which shall not be less than twenty feet or more than thirty-five feet, and the metal or macadamized part not less than twelve feet wide, and the steepness of grade shall not exceed three and one-half degrees.

§ 5. Said company are authorized to erect toll-houses on said road, and collect such tolls as they may fix, not to exceed the tolls fixed by the General Statutes of Kentucky.

§ 6. That upon the payment of the stock the said board of directors, through its president and secretary, may issue certificates of stock, and such stock shall be assignable under such regulations as the directors may prescribe, so as to vest the ownership thereof in the assignee.

§ 7. That the private property of the stockholders shall be exempt from the debts of said company; and that the stockholders of said company are exempt from work on any county road in Mercer county so long as they own such stock.

§ 8. That this act shall be in force from its passage.

Approved April 16, 1888.

CHAPTER 1101.

AN ACT to amend an act, entitled "An act to organize and establish a system of public schools in the city of Henderson," approved March 15, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to organize and establish a system of public schools in the city of Henderson," approved March 15, 1869, be, and the same is hereby, amended as follows, viz: By striking out and repealing the word "white" in section 11 of said act, and by striking out and repealing from the thirteenth section of said act these last words,

viz: "By the said board, and paid at such times as they may direct," and insert in lieu thereof the following words, viz: "By the common council, and paid at such times as said council may direct;" and by repealing and striking out of section 15 of said act the following words, wherever they occur, viz: "*Provided*, That the property estimated under the equalization law shall not be so taxed." It is further enacted, that the property estimated under the equalization law shall be taxed in the same manner and at the same rate as other property; and by repealing and striking out of section 15 of said act these last words, viz: "*Provided*, That only property belonging to white persons shall be taxed;" and it is herein provided that property in said city belonging to all persons, regardless of color, shall be taxed alike; and by repealing and striking out of section 15 of said act the following words, viz: "Thirty cents upon each one hundred dollars' worth of the same property that is now taxed by the State for common school purposes, situated within the city, and the assessment to be made at the same time as required by law for State revenue," and inserting in lieu thereof these words, viz: "Forty cents upon each one hundred dollars of value of property owned by persons in said city, now taxed by law for revenue purposes for the State of Kentucky, including all property estimated under the equalization law, and including all real estate owned in said city by railroad or banking corporations, whether used by them in conducting their business or not; and the assessment shall be made as of the 10th day of January of each year."

§ 2. The collecting officer shall, as he collects this school tax, pay the same to the treasurer of the board of trustees, and take his receipt therefor. And said board of trustees shall have the management and control of all public schools in said city, both colored and white. All common school money due this school district, for the education of both white and colored

Disposition of
taxes collected.

children, shall be paid to the treasurer of the said board of trustees, and used by said board in conducting the said public schools. No poll-tax shall be collected for school purposes.

Erection of
buildings.

§ 3. Said common council is authorized to purchase ground and to erect such other buildings thereon for school purposes as they may deem proper.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 16, 1888.

CHAPTER 1102.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Livermore, in McLean county," approved February 24, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Livermore, in McLean county," approved February 24, 1888, be amended as follows: That sections nineteen, twenty, twenty-one, twenty-two and twenty-three of said act be, and they are hereby, repealed.

§ 2. That the police judge of said town of Livermore shall hold a term of the police court for the trial of civil causes on the second Mondays in March, June, September and December of each year.

§ 3. That this act shall take effect from its passage.

Approved April 16, 1888.

CHAPTER 1103.

AN ACT to authorize the Knott county court to issue and sell the bonds of said county, and provide for the payment of same for the purpose of building a court-house and clerks' offices in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose of enabling the Knott May issue bonds county court to raise money to build a new court-house and clerks' offices in Hindman (the county seat), of said county, the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may cause bonds of said county to be issued, not exceeding in Amount limited. the aggregate the sum of eight thousand dollars, of Denomination. the denomination of not less than one hundred nor more than one thousand dollars, as the court may direct ; said bonds to be prepared and executed under How prepared, signed and attested. the seal of the county court, signed by the judge and attested by the clerk thereof, payable to the holder thereof at such place and in such time as the court may direct, in not less, however, than five nor more Time to run. than twenty years from the date of said bonds, and not to bear a greater interest than six per centum per Interest. annum, said interest to be paid annually from the date of the purchase of said bonds until paid ; said bonds to be redeemable at the pleasure of the court When redeemable. at any time after the expiration of five years after the date of purchase. Said bonds shall have interest Duty of clerk. coupons attached, which shall be signed by the county court clerk, whose duty it shall be to keep a list of all the aforesaid bonds, showing the number, date, amount, time issued and delivered, to whom delivered, and when due, which list shall be carefully kept by him in his office.

§ 2. Said county court shall have full power and Court may sell. authority to sell and dispose of, and deliver to the purchaser, the bonds herein provided for, and to pro-

vide for the payment of principal and interest of same in such manner and at such times as it may think proper, through or by a commissioner or agent appointed by said court: *Provided*, That none of said bonds shall be sold for less than par or face value; but before said commissioner or agent herein provided for shall enter upon the duties of his office, he shall take an oath before the county court to the effect that he will faithfully discharge his duties as such commissioner or agent, and shall also execute a good and sufficient bond before said court, conditioned that he will faithfully discharge his duties, and that he will pay over in due time, to the proper person, any and all moneys received by him from the sale of said bonds.

Appoint commissioner.

Commissioner execute bond.

§ 3. The said county court may deliver said bonds to said commissioner at such time and in such amounts as they may deem proper; and he shall sell and dispose of the same under the provisions of this act as the court may direct, and pay over the money arising from the sale of same to the person appointed by the court to receive the same. Said commissioner shall keep an accurate list of the number, date, amount and time when due, to whom sold, also a list of those unsold, and shall make a full and complete report to said court, together with said list of said bonds.

Duty of court and commissioner.

§ 4. Said court shall appoint some suitable person receiver, under the provisions of this act, whose duty it shall be to receive and receipt for the money arising from the sale of the bonds herein provided for, and pay the same out by order of the county court at such times and in such manner as the court may direct; but before said receiver shall enter upon the discharge of his duties he shall take an oath in open court, to the effect that he will faithfully discharge his duty, and he shall also execute a good and sufficient bond in said court, to be approved by same, conditioned that he will faithfully discharge his duty as receiver aforesaid, and that he will, in due time, pay over any

Disposition of proceeds.

money in his hands as receiver aforesaid to the person entitled, whenever directed so to do by said court.

§ 5. That for the purpose of raising money to pay ^{Bonds how paid off.} off the bonds and interest provided for in this act the county court of said county, a majority of the justices of the peace being present and concurring therein, may levy an ad valorem tax of not exceeding twenty- ^{Tax levied.} five cents on the one hundred dollars' worth of taxable property in said county, and a poll-tax not to exceed three dollars per year for such number of years as may be necessary to raise the amount authorized by this act.

§ 6. The tax herein provided for shall be collected ^{Collection of tax.} by the sheriff of said county at the same time he collects the State revenue, and he shall receive the same compensation; but before proceeding to collect the tax herein provided for, he shall execute bond, with good and sufficient security, to be approved by the court, the same as other bonds for the collection of public dues.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 16, 1888.

CHAPTER 1104.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and Mayfield Gravel Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 9 of an act, entitled "An act to incorporate the Paducah and Mayfield Gravel Road Company," be, and the same is hereby, so amended as to strike out the words "from Paducah to Mayfield," and insert the following: "from Paducah to a distance of five miles or more at a time in the direction of Mayfield, as may be deemed best by the

board of directors as the building of said road progresses."

§ 2. All acts or parts of acts in conflict herewith are hereby repealed, and this act to take effect from its passage.

Approved April 16, 1888.

CHAPTER 1105.

AN ACT to establish a graded school at White Post, in Pike county, and to provide for maintaining same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of district.

§ 1. That the boundary of common school district No. 78, Pike county, Kentucky, which is a fractional district, composed of parts of Martin and Pike counties, shall be as follows: Beginning on Tug river, at the long shoal, at the upper end of Geo. W. Taylor's land, and straight up the hill to the top of the ridge between Big creek and Tug river, and around the ridge, up the river, to the head of the Chafin branch on Big creek, and down the point above the Chafin branch, so as to include said branch, to Big creek; thence west, up the hill, to the top of the ridge, between the waters of Big creek and Wolf creek, so as to include the waters of the Bent branch; thence down the creek with said ridge to the Mt. Sterling gap; thence down the ridge to Tug river, at the Rock cliff, just below the old John Deskins house; thence up the said Tug river to the beginning. The public school affairs of the white children of pupil age residing within the limits of said district shall hereafter be under the control and management of five trustees, to be elected by the qualified white voters of said school district.

Trustees.

§ 2. That the trustees so elected shall constitute Corporate name. and be styled the "Board of Trustees of Common

School District No. 78, Pike county, Kentucky ;" and by that name be a body-corporate, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, or devise, or otherwise, any real or personal property for public school purposes, sell and convey the same ; and the title of such property acquired by said trustees shall vest in them and their successors in office forever.

§ 3. That said five trustees shall be first elected at the school-house in said district, at an election held on the first Saturday in June, 1888, to be held by the chairman, or any one of the trustees now in office in said district, between the hours of one o'clock and six o'clock, P. M. Printed or written notices of the time, place and object of said election shall be posted by the chairman or trustees in three or more conspicuous places in said district for at least ten days prior to the day of said election. Said trustees so elected shall hold their office for four years, and until their successors are duly qualified ; and an election for trustees shall be held every four years after the first election, on the first Saturday in June, between the hours aforesaid. Each board of trustees so elected shall select, by lot or otherwise, from their number, a chairman each year, who shall preside over all their deliberations, and give the casting vote in case of a tie, and perform such other services as are now required by the common school law of chairmen. After the first election the board of trustees shall appoint the officers, and designate the place of holding all subsequent elections ; the officers of the first election to be appointed by the superintendent of common schools for Pike county. The officers of said election shall consist of two judges, a clerk and a sheriff, whose duty shall be similar to those of like officers under the general election laws for school trustees.

§ 4. That said trustees, before entering upon the discharge of their duties, shall take an oath before

some officer authorized to administer oaths, to faithfully, honestly and impartially discharge the duties required of them under this act and the laws of this Commonwealth regulating public schools; and when the first board of trustees elected under this act have been thus qualified, the term of office of the present trustees of said common school district shall expire.

§ 5. That no person shall be eligible to the office of trustee under this act unless he has been a continuous *bona fide* resident of said district for one year next preceding his election, and is a qualified voter. A majority of said trustees shall constitute a quorum for the transaction of business; and they shall have power to fill vacancies in their board until the next regular election, to appoint a secretary, treasurer, assessor and collector, and require and take bonds, with approved security, from the same, for the faithful discharge by them of their duties; to make all by-laws, rules and regulations, for the government of themselves, their appointees, agents and teachers employed by them, and for the management, control and government of the public schools for white children in said district, and for the protection and preservation of the property of said school corporation. They shall cause to be kept a journal of all their official acts and proceedings, which shall be open at all times to the inspection of the county superintendent, and any citizen interested in said school.

§ 6. That said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and regulate their salaries and compensations; and may suspend or dismiss any teacher or other appointee whenever, in their discretion, they deem it for the best interest of the school to do so; but no teacher shall be employed in any public school for white children in said district, by said board of trustees, who has not received a certificate of qualifications from the county board of examiners for examining teachers for the common schools.

Who eligible as
trustees.

Vacancies.

Officers.

Teachers.

Teachers must
first obtain cer-
tificates.

§ 7. That all white children over six and under Pupils admitted. twenty years of age, residing within the limits of said district, shall have equal rights of admission to the public school or schools instituted by said board of trustees therein; but said board of trustees shall Must attend proper grade. have power to require such pupils to attend the grade of schools to which they may be respectively assigned under the rules made for the government of said public schools; but it is expressly enacted that the schools provided for by this act shall be exclusively for white children of pupil age in said district, and shall always School separate from colored school. be kept and taught separate and apart from the school or schools now, or that may hereafter be, provided for by law for colored children in said district.

§ 8. That said board of trustees shall have the Powers, rights of trustees. power and right, in addition to those expressly granted herein, and not inconsistent therewith, which pertains to trustees of common schools under the common school laws of this State. They shall make Make reports to county superintendent. all reports or returns as may be required by law to the common school superintendent of said county, and shall have the right to receive and appropriate to the public schools in said district the funds due or to become due from the State, under the common school law, to the white pupils of said district. That it shall be the duty of the county superintendent to pay the same to the treasurer of said board of trustees, on its order, to be by him disbursed to teachers of said public schools as required by law. Said board of trustees shall have power to regulate and determine the length of terms and sessions of said schools, and for what length of time such schools shall be taught each school-year, which year shall be held to begin on the first day of July each year. Said Said district entitled to State fund. board of trustees shall also regulate the terms and Trustees to regulate terms, etc., for admission of other pupils. conditions on which other white pupils besides children of pupil age, residing in said district, or are over pupil age, in or out of said district, may become pupils in said school; and all sums received for

tuition from such pupils so admitted shall constitute a part of the school fund of said district for the benefit of schools instituted therein.

Non sectarian.

§ 9. That no catechism or other form of religious or political belief shall be taught or circulated in, nor shall any class book be used or adopted for said school, which reflects upon any religious denomination; nor shall any class or school be so conducted as to interfere with religious belief of parents or pupils.

Trustees may assess, levy and collect an ad valorem and capitation tax.

§ 10. That said board of trustees shall have power to assess, levy and collect an annual tax upon the fair cash value of all real and personal property owned by white persons situated in or embraced in the bounds of said district, and taxable under the laws of this State, of not exceeding fifty cents on each one hundred dollars' worth of property so assessed, and a capitation tax not exceeding two dollars upon each qualified white voter in said district. That said ad valorem and capitation tax, and the funds realized, shall be used only for the purpose of completing the house now in process of construction in said district and upon the site located by the Pike county superintendent; and for the purpose of constructing the necessary out-building and fencing off the school-house lot, and for the purpose of furnishing the said house with good modern seats and writing desks, globes, maps, charts and all necessary school furniture, etc., and shall pay the necessary expenses for having the said taxes assessed and collected; and said school funds so raised by such taxation shall be used and expended in said district under the orders and directions of said board of trustees, by its treasurer, for the purposes aforesaid. That if the board of trustees fail or refuse to levy the tax mentioned in this section annually, until the house is completed in said district and properly furnished, then the said board of trustees, or the member or members of said board who is so remiss of duty, shall be liable to an indictment before the grand jury of the county, and

Taxes how applied.

fined not less than twenty-five dollars nor more than fifty dollars.

§ 11. That the assessor appointed by the said board ^{Assessor.} of trustees to assess the property, money and choses in action in said district, as provided for in the last preceding section, shall receive a compensation not ^{Compensation of assessor.} exceeding ten (10) cents for each list, and in making such assessments shall have the same power and duties, and be under the same responsibilities, as assessors under the general laws; and he shall make said assessment and make return thereof to said board of trustees at such times as they may direct each year. After the return of said assessment the board of ^{Trustees shall act as board of supervisors.} trustees shall give ten days' notice, posted up in three conspicuous places in said district, of the fact that said assessment has been returned, and that on a day to be named in their notices they will act as a board of supervisors to correct the returns of the assessor for said district. They shall have the right to increase or decrease any list on said assessment; but no increase shall be made until notice, as above specified, has been given the tax-payer interested, or, if a non-resident, to his agent, if in the county, and a reasonable opportunity to be heard; and the action of said board of supervisors shall be final: *Provided*, No assessment shall be for a greater sum than the assessment of same for State and county purposes: *Provided*, Said taxes shall be collected by the sheriff of Pike county, or by the collector, if one is appointed by the board of trustees, within two months after it is placed in said sheriff's or collector's hands, and paid over to the treasurer of the board of trustees. And the sheriff shall be responsible on his official bond for the collection and proper payment of said taxes. If a collector be appointed, he shall have the same powers and be under the same responsibilities as sheriffs in the collection of the State revenue.

§ 12. That the board of trustees shall have the right

Capitation tax
for incidentals.

to assess a capitation tax, not to exceed one dollar on each patron who actually sends a child or children to school, for the purpose of furnishing fuel, etc., for the school. Said tax to be collected in the same way the other district tax is collected.

Vacancies.

§ 13. That in case there is no trustees elected the first election, or they are elected and fail or refuse to qualify, then they are to be appointed by the county superintendent, provided the said superintendent can find suitable men for the position who will accept it. And if, from any cause, there is a failure to get a board of trustees to qualify, then the present board of trustees are to hold their office and carry out the provisions of this act.

§ 14. This act shall take effect and be in force from its passage.

Approved April 16, 1888.

CHAPTER 1106.

AN ACT to organize and establish a system of public graded schools in Madisonville, Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established in the town of Madisonville, Hopkins county, a system of public graded schools, embracing the following territory, namely: Beginning at a point one mile east of the center stone in the town of Madisonville, running thence south one mile; thence west two miles; thence north two miles; thence east two miles; thence south one mile, to the beginning.

§ 2. The territory embraced in said district, which includes the town of Madisonville, is hereby created and incorporated as a school district, which shall be under the control and management of a board of trus-

tees. The persons constituting said board, consisting of five persons, as provided in this act, shall be known and styled the board of trustees of the Madisonville public schools; and by that name shall be a body-politic and corporate; may contract and be contracted with, may sue and be sued, plead and be pleaded, in all courts and places; may buy and sell, bargain and convey, real and personal estate; hold in trust the title to all public school property in said district, and discharge other duties imposed by the common school laws of this State and required by the provisions of this act.

§ 3. The trustees for said district shall be five in number, to be elected biennially, on the first Saturday in June, and to hold their offices until their successors are elected and qualified. The following named persons, viz: M. W. Bishop, J. S. Whittinghill, D. A. Morton, E. B. Frost and Casper Harrig, are hereby appointed and constituted as trustees for said district, to hold their offices until the first Saturday in June, 1890, and until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in case of death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, the remaining members shall fill the vacancy by the appointment of some suitable and qualified person. No person shall be eligible to appointment or election as trustee who is not over the age of twenty-one years, and who is not a bona fide resident of said district.

§ 4. The said trustees, before entering upon the discharge of their duties, shall appear before some officer authorized to administer an oath, and swear to faithfully and impartially discharge all the duties required by this act.

§ 5. The said trustees shall have power to fix the time and place of their meeting; to make all necessary by-laws and rules for their own government, and for the management of said public schools in said dis-

trict ; they shall keep a correct journal of their proceedings, which shall be open to the inspection of any citizen of said district.

§ 6. The said board of trustees shall appoint one of its members chairman, who shall preside at all meetings, put all questions, preserve order, sign the minutes of each meeting, and discharge such other duties as may be required. The said board shall also appoint some competent person as secretary, and may prescribe his duties and fix his compensation.

§ 7. The said board of trustees shall appoint all teachers and other persons who may be necessary to conduct and carry on the public schools ; may make and adopt rules for their government, and fix their compensation. They may also suspend or dismiss any teacher or other person appointed by them, and for good cause may suspend or expel any pupil attending said school. They may prescribe the branches of education to be taught in the schools in said district ; also grade the schools and classes, and prescribe the necessary qualifications, and the mode of examination of pupils.

§ 8. All white children over six and under twenty years of age within said district shall have equal right of admission to said schools, free from all charges for admission or tuition ; and only white children shall be admitted to said school. The trustees may admit white children who reside out of said district to attend said school, upon the payment of such sums, and upon the compliance with such terms and conditions, as said trustees may prescribe.

§ 9. The said trustees shall have power to purchase grounds as a school lot, locate the site for the erection of a school building, erect the necessary buildings for carrying on and conducting said schools, and provide the necessary furniture for the same. The said lot and buildings shall not be incumbered by any lien ; but the funds provided in this act may be pledged as security for the purchase of the property and its im-

provement. The title to said property shall be held by said trustees and their successors in trust, for the uses and purposes set forth in this act.

§ 10. The board of councilmen of the town of Madisonville shall have power to provide the necessary funds for purchasing suitable grounds, and for building a school-house and other buildings and improvements for the conduct and operation of said schools; and to this end they shall have power to assess, levy and collect a tax from the tax-payers of said district, who are subject to taxation under the revenue laws of this State, sufficient in amount to raise the cost of said lot, buildings and other furniture, but not to exceed the sum of ten thousand eight hundred dollars: *Provided*, That only white persons shall be required to pay said taxes; that in addition to said tax, the said board of councilmen shall have power to levy and collect a capitation tax, not exceeding three dollars, on each white male citizen over twenty-one years of age, and resident of said district, to be used in the payment of said lot, buildings and furniture. The trustees of said public schools shall certify, in writing, to the board of councilmen of said town the amount of money necessary to be raised for the purpose of procuring a lot, and for buildings and other necessary improvements, as provided in this act, which shall not exceed ten thousand eight hundred dollars; and thereupon the board of councilmen of said town, at a regular or called meeting, shall, by order of record, levy and authorize the collection of the sum required, one-half of which shall be levied and collected the first year and the remainder the next succeeding year.

§ 11. The assessor of the town of Madisonville shall assess the property and polls in said district, and the board of councilmen of Madisonville shall prepare the form assessor's book, and provide necessary rules for taking the correct list and assessment. If any person bound for tax shall fail to list his poll or property, the assessor shall do so for him, subject to

correction by the board of councilmen. The said assessor's book shall be taken within the time and in the manner required by law for listing the property in said town; and when the book is completed, it shall be returned to the board of councilmen, and shall be revised and corrected and the property equalized as provided by the laws of said town.

§ 12. When the assessor's book is returned, and the same has been examined and revised under the orders of the board of councilmen, the said book shall be filed and preserved as a part of the records of said board; and the said board shall cause a tax-book to be made therefrom, and it shall be placed in the hands of the collector of taxes for said town, who is hereby authorized and empowered to collect the said taxes from all persons bound for the same; and he is given all the remedies and powers to collect said taxes by way of distress as is given by the charter and laws of the town of Madisonville in the collection of the town taxes, and is made liable in the same manner for any illegal or improper levy, distress or sale. The said collector shall, within four months after said lists are placed in his hands, collect and pay said taxes to the treasurer of the board of councilmen, subject to such credits as he may receive by said board on account of delinquent tax-payers from whom the taxes can not be collected.

§ 13. If the tax collector can not find any personal estate out of which to make the taxes due by any taxpayer of said district, then he is empowered to sell any real estate owned by such tax-payer in the same way and manner that he is authorized to sell real estate for taxes under the laws of said town, and such defaulting tax-payer shall have the same right to redeem.

§ 14. The money realized by the taxes collected under this act shall be paid over to the treasurer of the board of councilmen of the town of Madisonville, who shall hold the same and keep said funds separate from all moneys belonging to said town. He will

pay out and disburse the said moneys on the order of said board of trustees for said school district. If said treasurer or any other person shall use or appropriate any of said funds to his own use, he shall be guilty of a high misdemeanor, and upon conviction shall be fined or imprisoned, or both so fined and imprisoned, in any sum and for any time in the discretion of a jury.

§ 15. Any private property in the limits of the town of Madisonville may be condemned for said school purposes, not exceeding five acres, whenever, in the opinion of the board of trustees of said district, such proceedings are necessary to secure suitable grounds. The proceedings for condemning said property shall be had in the same court, shall be conducted in the same manner, and subject to the same restrictions and conditions, as are provided by law for condemning property in the town of Madisonville for public streets and other purposes in said town: *Provided*, That such proceedings shall be in the name of the board of the Madisonville public schools, and the purchase money shall be paid out of the funds which the board are authorized by this act to use for such purpose.

§ 16. That after the levy of the taxes provided in this act, the board of trustees of said school district are authorized and empowered to provide the grounds, cause school buildings to be erected, furnish the same with the necessary furniture, and by contract pledge the funds authorized to be raised as security for the payment of the property so bought. The said board of trustees are hereby invested with all the property, rights and credits of the trustees of the Madisonville Seminary; and the said board of trustees, created by this act, or their legal successors, are hereby authorized to sell and convey the said seminary house and lot, situated in the town of Madisonville, and described in a deed from Joseph Fuqua to the trustees of the Madisonville Seminary; and they may apply the proceeds and all money or property of said sem-

inary, in the erection of the school-house and purchase of the grounds provided in this act. Said seminary and lot may be sold by said trustees, either publicly or privately, upon such terms as they may deem advisable; the amount received for said property, and the manner in which the same is invested, shall be reported to the board of councilmen of Madisonville, and be made a matter of record.

§ 17. The board of councilmen of the town of Madisonville shall cause to be levied and collected an annual tax of not exceeding thirty-five cents upon each one hundred dollars' worth of taxable property owned by white persons in said school district, and subject to taxation under the general revenue laws of this State, and a poll-tax of three dollars on each resident of said district. The assessment and collection of said tax shall be made at the same time and in the same manner as the taxes of said town are by law assessed, levied and collected, except so far as modified and changed by this act. This tax shall be known as the school tax; shall only be payable in money; shall be kept separate and apart from all other funds, and shall be used for the purpose of defraying the expenses of said public schools, including necessary repairs on the buildings and premises: *Provided*, That only the property of white persons shall be taxed under this act.

§ 18. The funds collected for conducting said school shall be held by the treasurer of the board of councilmen of Madisonville, who shall give bond, with good and ample securities, to be approved by said board; and said treasurer and his sureties shall be liable for the proper and legal disbursement of said funds. Said funds shall be paid out on the written order of said board, or a majority of said board of trustees.

§ 19. The said board of trustees shall have all the authority and rights, in addition to the powers herein given, that are given to trustees of common schools by the general laws of this State. They shall make

such enumeration and census returns as the law requires to the superintendent of schools of Hopkins county; and they shall have the right to collect, receive and appropriate to the schools of said district all the common school funds and taxes due or to become due from the State. The superintendent of schools of Hopkins county shall pay over to said trustees, or the treasurer of the board of councilmen of Madisonville, on their order, the school funds due or to become due to the said district under the school laws of this State; which moneys shall only be used in the payment of teachers in said school.

§ 20. The said board of trustees shall, at the end of each year, and oftener if agreed by the board of councilmen of said town, make up and report to said board of councilmen a written or printed statement, showing the number of pupils in said public schools, the condition and amount of the property and funds belonging to the same, and such other information as the board of councilmen may from time to time require.

§ 21. The taxes authorized to be levied and collected by the provisions of this act shall not be levied and collected by the board of councilmen of Madisonville until the question as to their levy and collection shall have been submitted by said board to the resident tax-payers of said school district who are required to pay said taxes. Upon the written request of a majority of the trustees of said school district, who are named in this act, or their legal successors, the board of councilmen of Madisonville shall order an election to be held at the courthouse in Madisonville, on a day to be designated, not less than fifteen days from the making of such order, to take the sense of the voters of said district on the question as to the levy and collection of said taxes; and at said election the qualified white voters of said district, who are entitled to vote for trustees under the common school laws of

this State, shall be entitled to vote. The poll-book for said election shall contain two columns, one of which shall contain a heading, "For the public school taxes," in which shall be entered those voting in favor of the levy and collection of said taxes; and the other column shall contain a heading "Against the public school taxes," in which shall be entered those persons voting against the levy and collection of said taxes. The board of councilmen shall appoint two judges and a clerk to hold said election, who shall be residents of the district, and legal voters therein; and they shall be sworn as officers for holding State or county elections. Said officers shall make out and return the said poll-book, certifying the result to the board of councilmen, who shall cause the vote entered of record on the order-book of said board. The said election shall be held within the hours required by law in holding State elections; and the board of councilmen shall give at least ten days' written or printed notices of the time and place for holding said election, one of which shall be posted at the court-house door, and four others at public places in the district.

§ 22. The election for school trustees as provided in this act shall be held at the court-house in Madisonville, and the board of councilmen shall give not less than ten days' previous notice, by at least five written or printed notices posted at public places in said district. The election shall be held by the clerk of the board of councilmen, who shall return the poll-book to the said board, who shall examine the same, and issue certificates of election to those having the highest number of votes. All persons qualified to vote for trustees under the common school laws shall be entitled to vote at said election.

§ 23. That all expenses incurred for assessing and collecting the taxes raised under this act shall be paid out of the school funds. The board of councilmen shall fix the commission of the collector of taxes, not

exceeding the sum allowed by the laws of said town for collecting the town revenue. Said board shall also fix the compensation of the assessor, which shall not exceed the sum allowed the assessor under the laws of said town.

§ 24. That if the proposition for the levy and collection of said taxes shall be rejected by a majority of the voters of said district, the same may be resubmitted at any time on the request of said trustees and the order of said board of councilmen.

§ 25. This act shall take effect from its passage.

Approved April 16, 1888.

CHAPTER 1107.

AN ACT to incorporate an institution of learning in or near Cadiz, in the county of Trigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an institution of learning is hereby established and incorporated in or near Cadiz, in Trigg county, Kentucky, by the name and style of the Cadiz Graded Colored School, which shall be under the control and management of Prof. W. H. McRidley, principal, and his successor; and that Joseph E. Dickerson, Issac McReynolds, Tandy Cunningham, Benjamin Grant and Tempell Tyler, are legally constituted trustees of aforesaid school, which shall be under the control and management of the Second Baptist Church of the town of Cadiz. If, at any time, a vacancy shall occur by death, removal or resignation, the above trustees, or their successors, or a majority of them, are empowered to name a suitable person to fill such vacancy or vacancies as shall to them appear necessary. The principal teacher shall be president of the institution, and is empowered, with the trustees, to collect and solicit aid for the support of said

school, and shall employ such assistants as they may deem proper.

Teachers.

May remove
teacher.

§ 2. The trustees shall have the immediate supervision of the funds, and disburse same as they deem wise and prudent. They are empowered to elect teachers, and agree with them on such terms and conditions as they may consider proper for salary, and all such elect teachers shall hold their appointment indefinitely; but a majority of the trustees are empowered to remove any teacher for any of the causes specified in the constitution and by-laws of said institution, and such removal or suspension shall be final; and such teacher removed can only claim pay for salary up to date of his or her removal.

Examinations.

§ 3. That said school is empowered to hold examinations and award certificates of graduation to such pupils as shall have completed the course of study established by said institution.

Trustees corpo-
rate name.

Powers, etc.

§ 4. That said trustees and their successors shall be known as "Trustees of the Cadiz Graded School," and as such are created hereby a body-politic and corporate, with perpetual succession; may contract and be contracted with, sue and be sued, and be such in any court of law or equity; but their personal property shall not be liable for any indebtedness of said school, and is hereby exempted, except made such by their mutual consent, otherwise forever exempted. They may acquire and hold any lands, grants, tenements, chattels, and goods of any kind and description, or money hereafter donated them for the benefit of said institution, purchased, given, devised or willed them, not exceeding five thousand dollars in United States currency.

§ 5. That they may sell, bargain and convey any property that may come into their possession for the school, according to their constitution and by-laws, not incompatible with the laws of this State or the United States, established by them for the government and management of said institution, for the

proper disbursements of funds and property they may now possess or may hereafter acquire.

§ 6. That the officers herein named shall hold their term of office for the next five years, and they have and are empowered to elect such other officers as they may deem proper.

§ 7. That this act take effect from its passage.

Approved April 16, 1888.

CHAPTER 1108.

AN ACT for the benefit of W. R. Taleaferro, of Campbell county.

WHEREAS, W. R. Taleaferro, Jr., was school commissioner for Campbell county, Kentucky, for the year 1884, and W. R. Taleaferro, Sr., was surety on his official bond; and whereas, during said year said W. R. Taleaferro, Jr., left said county and State without settling his accounts as said commissioner; and whereas, said surety was, by the attorney of said county, after the departure of said school commissioner, notified that said W. R. Taleaferro, Jr., was in default of payment to the school districts and common school teachers of said county for school money of said year in a large sum, and that the said W. R. Taleaferro, Sr., was required to make good said default and pay said districts and teachers; and whereas, said surety relied on said statements and paid said teachers and districts from his own money, the sum, eight hundred and forty-three dollars and thirty-five cents, then due and payable to them by said school commissioner; and whereas, B. K. Rachford was appointed and qualified as school commissioner for the unexpired term of said W. R. Taleaferro, Jr.; and whereas, after his appointment it was discovered that there was undrawn and to the credit of said county, in the State Treasury, four hundred and thirty dollars and fifty-eight cents

school money for said year, which said W. R. Taleaferro, Jr., had been charged with by the officials of said county, and which was supposed to have been drawn by him before his said departure; and whereas, said B. K. Rachford, as school commissioner, drew said sum; and whereas, in vouching for the same, the receipts which said W. R. Taleaferro, Sr., had received for payments to districts and teachers were used by said B. K. Rachford; and whereas, the accounts of said W. R. Taleaferro, Jr., as school commissioner of said county, are fully settled, and of the said money drawn as aforesaid by said B. K. Rachford, there remains in his hands yet the sum of four hundred and thirty dollars and fifty-eight cents; and whereas, he has long since ceased to be school commissioner for said county, and is unable to make proper payment of said money; and whereas, said money rightfully belongs to the said W. R. Taleaferro, Sr.; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County superintendent authorized to pay surety \$430.58.

§ 1. That B. K. Rachford is hereby authorized and empowered to pay to said W. R. Taleaferro, Sr., said sum of four hundred and thirty dollars and fifty-eight cents, and that the receipt of said W. R. Taleaferro, Sr., therefor shall fully acquit him of said sum.

§ 2. This act shall be in force from its passage.

Approved April 16, 1888.

CHAPTER 1109.

AN ACT to empower the justices of the peace of Breckinridge county to erect a bridge over Rough creek, between Breckinridge and Grayson counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the justices of the peace of Breckinridge county, at the next meeting of the court of claims of

said county, without the aid of Grayson county, be, and they are hereby, empowered, by a majority vote of all of the justices of said county, to erect a bridge over Rough creek, between Breckinridge and Grayson counties, at such point on said creek as commissioners selected by said justices for that purpose may indicate.

§ 2. None of the provisions of sections 36, 37 and 38, of chapter 94, General Statutes, shall interfere with the authority given in section 1 of this act; nor shall any thing in this act be considered a repeal of said sections if said justices fail by vote to erect said bridge hereinbefore provided for.

§ 3. This act shall take effect from and after its passage.

Approved April 16, 1888.

CHAPTER 1110.

AN ACT to incorporate the Union Mill and Hickman Creek Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That F. M. Jasper, James Smith, James E. Davis, Dan Zimmerman, J. H. Bogie, James Roach and Joseph Rutherford, and their successors and associates, be, and they are hereby, created a body-politic, under the name and style of the Union Mill and Hickman Creek Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change the same at pleasure; and may acquire by purchase, relinquishment or writ of *ad quod damnum*, the right of way for its road upon the route it may adopt, ground for

correction by the board of councilmen. The said assessor's book shall be taken within the time and in the manner required by law for listing the property in said town; and when the book is completed, it shall be returned to the board of councilmen, and shall be revised and corrected and the property equalized as provided by the laws of said town.

§ 12. When the assessor's book is returned, and the same has been examined and revised under the orders of the board of councilmen, the said book shall be filed and preserved as a part of the records of said board; and the said board shall cause a tax-book to be made therefrom, and it shall be placed in the hands of the collector of taxes for said town, who is hereby authorized and empowered to collect the said taxes from all persons bound for the same; and he is given all the remedies and powers to collect said taxes by way of distress as is given by the charter and laws of the town of Madisonville in the collection of the town taxes, and is made liable in the same manner for any illegal or improper levy, distress or sale. The said collector shall, within four months after said lists are placed in his hands, collect and pay said taxes to the treasurer of the board of councilmen, subject to such credits as he may receive by said board on account of delinquent tax-payers from whom the taxes can not be collected.

§ 13. If the tax collector can not find any personal estate out of which to make the taxes due by any tax-payer of said district, then he is empowered to sell any real estate owned by such tax-payer in the same way and manner that he is authorized to sell real estate for taxes under the laws of said town, and such defaulting tax-payer shall have the same right to redeem.

§ 14. The money realized by the taxes collected under this act shall be paid over to the treasurer of the board of councilmen of the town of Madisonville, who shall hold the same and keep said funds separate from all moneys belonging to said town. He will

pay out and disburse the said moneys on the order of said board of trustees for said school district. If said treasurer or any other person shall use or appropriate any of said funds to his own use, he shall be guilty of a high misdemeanor, and upon conviction shall be fined or imprisoned, or both so fined and imprisoned, in any sum and for any time in the discretion of a jury.

§ 15. Any private property in the limits of the town of Madisonville may be condemned for said school purposes, not exceeding five acres, whenever, in the opinion of the board of trustees of said district, such proceedings are necessary to secure suitable grounds. The proceedings for condemning said property shall be had in the same court, shall be conducted in the same manner, and subject to the same restrictions and conditions, as are provided by law for condemning property in the town of Madisonville for public streets and other purposes in said town: *Provided*, That such proceedings shall be in the name of the board of the Madisonville public schools, and the purchase money shall be paid out of the funds which the board are authorized by this act to use for such purpose.

§ 16. That after the levy of the taxes provided in this act, the board of trustees of said school district are authorized and empowered to provide the grounds, cause school buildings to be erected, furnish the same with the necessary furniture, and by contract pledge the funds authorized to be raised as security for the payment of the property so bought. The said board of trustees are hereby invested with all the property, rights and credits of the trustees of the Madisonville Seminary; and the said board of trustees, created by this act, or their legal successors, are hereby authorized to sell and convey the said seminary house and lot, situated in the town of Madisonville, and described in a deed from Joseph Fuqua to the trustees of the Madisonville Seminary; and they may apply the proceeds and all money or property of said sem-

correction by the board of councilmen. The said assessor's book shall be taken within the time and in the manner required by law for listing the property in said town; and when the book is completed, it shall be returned to the board of councilmen, and shall be revised and corrected and the property equalized as provided by the laws of said town.

§ 12. When the assessor's book is returned, and the same has been examined and revised under the orders of the board of councilmen, the said book shall be filed and preserved as a part of the records of said board; and the said board shall cause a tax-book to be made therefrom, and it shall be placed in the hands of the collector of taxes for said town, who is hereby authorized and empowered to collect the said taxes from all persons bound for the same; and he is given all the remedies and powers to collect said taxes by way of distress as is given by the charter and laws of the town of Madisonville in the collection of the town taxes, and is made liable in the same manner for any illegal or improper levy, distress or sale. The said collector shall, within four months after said lists are placed in his hands, collect and pay said taxes to the treasurer of the board of councilmen, subject to such credits as he may receive by said board on account of delinquent tax-payers from whom the taxes can not be collected.

§ 13. If the tax collector can not find any personal estate out of which to make the taxes due by any tax-payer of said district, then he is empowered to sell any real estate owned by such tax-payer in the same way and manner that he is authorized to sell real estate for taxes under the laws of said town, and such defaulting tax-payer shall have the same right to redeem.

§ 14. The money realized by the taxes collected under this act shall be paid over to the treasurer of the board of councilmen of the town of Madisonville, who shall hold the same and keep said funds separate from all moneys belonging to said town. He will

pay out and disburse the said moneys on the order of said board of trustees for said school district. If said treasurer or any other person shall use or appropriate any of said funds to his own use, he shall be guilty of a high misdemeanor, and upon conviction shall be fined or imprisoned, or both so fined and imprisoned, in any sum and for any time in the discretion of a jury.

§ 15. Any private property in the limits of the town of Madisonville may be condemned for said school purposes, not exceeding five acres, whenever, in the opinion of the board of trustees of said district, such proceedings are necessary to secure suitable grounds. The proceedings for condemning said property shall be had in the same court, shall be conducted in the same manner, and subject to the same restrictions and conditions, as are provided by law for condemning property in the town of Madisonville for public streets and other purposes in said town: *Provided*, That such proceedings shall be in the name of the board of the Madisonville public schools, and the purchase money shall be paid out of the funds which the board are authorized by this act to use for such purpose.

§ 16. That after the levy of the taxes provided in this act, the board of trustees of said school district are authorized and empowered to provide the grounds, cause school buildings to be erected, furnish the same with the necessary furniture, and by contract pledge the funds authorized to be raised as security for the payment of the property so bought. The said board of trustees are hereby invested with all the property, rights and credits of the trustees of the Madisonville Seminary; and the said board of trustees, created by this act, or their legal successors, are hereby authorized to sell and convey the said seminary house and lot, situated in the town of Madisonville, and described in a deed from Joseph Fuqua to the trustees of the Madisonville Seminary; and they may apply the proceeds and all money or property of said sem-

inary, in the erection of the school-house and purchase of the grounds provided in this act. Said seminary and lot may be sold by said trustees, either publicly or privately, upon such terms as they may deem advisable; the amount received for said property, and the manner in which the same is invested, shall be reported to the board of councilmen of Madisonville, and be made a matter of record.

§ 17. The board of councilmen of the town of Madisonville shall cause to be levied and collected an annual tax of not exceeding thirty-five cents upon each one hundred dollars' worth of taxable property owned by white persons in said school district, and subject to taxation under the general revenue laws of this State, and a poll-tax of three dollars on each resident of said district. The assessment and collection of said tax shall be made at the same time and in the same manner as the taxes of said town are by law assessed, levied and collected, except so far as modified and changed by this act. This tax shall be known as the school tax; shall only be payable in money; shall be kept separate and apart from all other funds, and shall be used for the purpose of defraying the expenses of said public schools, including necessary repairs on the buildings and premises: *Provided*, That only the property of white persons shall be taxed under this act.

§ 18. The funds collected for conducting said school shall be held by the treasurer of the board of councilmen of Madisonville, who shall give bond, with good and ample securities, to be approved by said board; and said treasurer and his sureties shall be liable for the proper and legal disbursement of said funds. Said funds shall be paid out on the written order of said board, or a majority of said board of trustees.

§ 19. The said board of trustees shall have all the authority and rights, in addition to the powers herein given, that are given to trustees of common schools by the general laws of this State. They shall make

such enumeration and census returns as the law requires to the superintendent of schools of Hopkins county; and they shall have the right to collect, receive and appropriate to the schools of said district all the common school funds and taxes due or to become due from the State. The superintendent of schools of Hopkins county shall pay over to said trustees, or the treasurer of the board of councilmen of Madisonville, on their order, the school funds due or to become due to the said district under the school laws of this State; which moneys shall only be used in the payment of teachers in said school.

§ 20. The said board of trustees shall, at the end of each year, and oftener if agreed by the board of councilmen of said town, make up and report to said board of councilmen a written or printed statement, showing the number of pupils in said public schools, the condition and amount of the property and funds belonging to the same, and such other information as the board of councilmen may from time to time require.

§ 21. The taxes authorized to be levied and collected by the provisions of this act shall not be levied and collected by the board of councilmen of Madisonville until the question as to their levy and collection shall have been submitted by said board to the resident tax-payers of said school district who are required to pay said taxes. Upon the written request of a majority of the trustees of said school district, who are named in this act, or their legal successors, the board of councilmen of Madisonville shall order an election to be held at the courthouse in Madisonville, on a day to be designated, not less than fifteen days from the making of such order, to take the sense of the voters of said district on the question as to the levy and collection of said taxes; and at said election the qualified white voters of said district, who are entitled to vote for trustees under the common school laws of

ness of all claims, specifying what they are for, to the sheriff or other collecting officer for payment, which claims so certified shall first be examined by the auditing board mentioned in the second section of this act, which board must examine and approve, and so certify the same before the sheriff shall pay them.

§ 4. This act to take effect from and after its passage.

Approved April 17, 1888.

CHAPTER 1113.

AN ACT incorporating the Shannon and Lowell Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporate name. § 1. That a company is hereby incorporated, under the name and style of the Shannon and Lowell Turnpike Road Company; and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, and is hereby vested with all the rights and powers conferred by law on such corporations in this Commonwealth.

Objects and powers. § 2. That said company shall have power to construct and operate a turnpike road in Mason county, commencing at or near the Shannon post-office, on the Murphyville turnpike, and running thence as nearly as possible on the dirt road, known as the Mayslick and Germantown dirt road, to its intersection with the Lowell and Sardis Turnpike, a distance of about three and one-half ($3\frac{1}{2}$) miles, the whole to be surveyed and located as may be most practicable to suit this general route.

Capital stock. Shares. § 3. That the capital stock of said company shall be a sum sufficient to build said road, divided into shares of twenty-five dollars each; and the Mason county court is authorized to make the usual subscription per mile to the capital stock thereof.

§ 4. That the grade and width of said road shall be ^{Grade and width of road.} determined and established by the board of directors; and it shall be lawful to construct it on the said dirt road as far as suitable.

§ 5. That the officers of said company shall be ^{Officers.} a president and three directors, to be styled "The Board of Directors," and elected by the stockholders, who shall hold their respective offices for one year, and until their successors are elected and qualified, a majority of whom shall constitute a quorum ^{Quorum.} to transact the business of the company; they shall have power to fill vacancies; they shall ~~fix~~ ^{Vacancies.} the time and place of the annual election hereafter, and give due notice thereof; they may appoint a secretary and treasurer out of their number or otherwise, and such other officers and agents as they may deem necessary, and require bond and security from same. The president, directors, treasurer and secretary shall be stockholders in the company.

§ 6. That the board of directors shall have power ^{By-laws, etc.} to pass all necessary by-laws, rules and regulations, in conformity to law, to govern the transactions of the company; shall have power to receive bids and let out the construction of the road; may take stock in work and materials; may take other subscriptions of stock; may borrow money in anticipation of the payment of stock subscribed, or to be paid in taxes; and the stockholders may work out their road tax ^{Work out road tax.} on the turnpike, and the receipt of the company shall be good for the same. The stock subscriptions, other than that to be paid in the way of taxes, shall be collected on call of the board of directors.

§ 7. That to enable said company to build its road, ^{Tax levied.} and to equalize as nearly as possible the local burthens of the same, there is hereby levied and shall be collected an annual tax of one dollar on the one hundred dollars' worth of taxable property, on all property subject to taxation for one mile on each side of the proposed road, excepting such property as has its

main outlet on other turnpikes than this. The Mason county court, on request of the company, shall appoint two discreet persons to assess and fix a value upon the property liable to this tax. Said persons shall make out a list of all property liable to taxation under this act, giving a description thereof, its value, and the owner's name, and return said list to the Mason county court at its May or June term in each year; and said court shall list said taxes with the sheriff of Mason county for collection; and it is hereby made the duty of said sheriff to receive, collect and pay over to the president or treasurer of this company the amount of the taxes collected on said list and assessment, on or before the twenty-fifth of December each year; and for any default of said sheriff under this act, he and his sureties shall be liable on his official bond; and he shall be entitled to the same compensation for collecting and paying over said taxes as he is allowed by law for collecting the State revenue. The money thus collected shall be expended on the whole line of said road, which is all to be put under contract and completed as a whole as nearly at the same time as circumstances will permit, so that each tax-payer will get the benefit of his taxes in the completion of the road; and as soon as the road is ready for travel, the company may erect gates and collect toll for the distance traveled, according to the General Statutes on the subject of turnpikes and gravel roads. The tax-payers shall have stock in the road company for the amount of their taxes; and, in order to get together enough for even shares, the receipts for taxes, or any part thereof, are made assignable, and stock shall be issued to any person holding receipts amounting to a share or even shares in said company; and as soon as said road is completed and paid for, this tax shall cease.

§ 8. That in order to put this act into operation,
Commissioners. Lewis Jefferson, John Thomas Prather and Richard F. Gault, are hereby appointed commissioners, any

two of whom may act, and authorized to receive sub-
 scriptions of stock in said company from individuals,
 and by the Mason county court, and as soon as a sub-
 scription is made by said court, and ten days' notice
 given by posting at the court-house door, the presi-
 dent and the three directors herein provided for shall
 be elected by the stockholders, each share having one
 vote; and as soon as said president and directors shall
 have qualified, they shall enter upon the discharge of
 their duties, and the power of said commissioners
 shall cease.

Receive sub-
scriptions.

§ 9. That it shall be lawful for the Mason county
 court to appoint the superintendent of this turnpike
 overseer of the road district through which it runs,
 and to require, for the purpose of helping to keep it
 in repair, the tax-payers to work out their road tax
 on this road, to which it would be entitled if it had
 remained a dirt road.

County court ap-
point superin-
tendent.

§ 10. That this act shall be in force from its passage.

Approved April 17, 1888.

CHAPTER 1114.

AN ACT to incorporate the board of trustees of the M. E. Church, Mt.
 Olivet, Robertson county, Kentucky.

*Be it enacted by the General Assembly of the Com-
 monwealth of Kentucky :*

§ 1. That N. A. Tilton, Wm. H. Hill and Richard
 Ellis, the present trustees of the M. E. Church in
 Mt. Olivet, Robertson county, Kentucky, and their
 successors in office, regularly chosen, be, and are
 hereby, constituted a body-politic and corporate, to
 be known and designated by the name and style of
 "The Board of Trustees of the Methodist Episcopal
 Church of Mt. Olivet, Robertson county, Kentucky ;"
 and by that name shall have perpetual succession
 and a common seal, with power to alter the same

at pleasure; and as a body-corporate they may, in their corporate name, sue and be sued, plead and be impleaded, defend or bring an action in law or equity, in any of the courts of this Commonwealth.

§ 2. The indebtedness of said corporation shall not at any time exceed (\$1,000) one thousand dollars.

§ 3. That said board of trustees, and their successors in office, shall have full power to take, or acquire by purchase, by devise, bequest, grant, gift, appointment or assignment, any real estate, not exceeding the quantity allowed by law to churches; and they shall have full power to take any personal property in same manner as they may take and acquire real estate, and to hold and dispose of same for the benefit of said church, and shall have all powers in these matters that are incident to religious corporations.

§ 4. Said board of trustees may erect and maintain a house of public worship, public instruction, and parsonage.

§ 5. That said corporation shall have the right and power to establish by-laws, and make all rules and regulations deemed expedient for the management of its affairs, not inconsistent with the Constitution or laws of this State or of the United States.

§ 6. This act shall take effect from and after its passage.

Approved April 17, 1888.

CHAPTER 1115.

AN ACT to incorporate the Pond Meeting-House Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, created a body-politic and corporate, under the name

of the Pond Meeting-House Turnpike Road Company, Corporate name. in Madison county; and by said name and style shall have perpetual succession, and the power to contract and be contracted with, sue and be sued, plead and be impleaded; have and use a common seal, and all other powers given by the general laws to turnpike road companies.

§ 2. That said company is hereby empowered to Objects and powers. construct a turnpike road on the macadamized plan from a point on the Richmond and Tate's Creek Turnpike Road, at or near DeJarnett's gate, by the most Route of road. practicable and available route to a point on the Richmond and Barnes' Mill Turnpike, at or near the Pond Meeting-House; thence from a point at or near the intersection aforesaid, by the most practicable and available route, by way of, or near to, the fork of Taylor's Fork creek, to a point at or near Elliott's Ford bridge, on the Lancaster Turnpike Road, or a point at or near Parrish's school-house, on the Hagan's Mill Turnpike Road, in Madison county, Kentucky.

§ 3. Wm. Willis, Andrew McCord, S. W. DeJar- Commissioners. nett, J. W. Parrish, C. C. Moore, are appointed commissioners, any of whom may open books for the Open books. subscription of stock to said company; and the obligation of subscription thereto shall be binding upon said subscribers.

§ 4. Whenever the sum of three thousand dollars When organize. is subscribed in stock to said company, said commissioners, or any two of them, may call a meeting of such subscribers, to be held at such time and place as they may designate, and at such meeting a president, Officers. four directors, and a treasurer shall be elected for a period of one year, and until their successors are elected and qualified; one vote shall be allowed for each share of stock.

§ 5. The capital stock of said road shall not exceed Capital stock. ten thousand dollars, to be divided in shares of fifty Shares. dollars each; subscriptions may be made to said com-

pany in real estate, rock, timber, or other property, and the amount and value of such subscription shall be expressed in the subscription, and shall be binding; and if such subscription is not paid, or surrendered or delivered to the company on demand, the value as expressed may be recovered from the subscriber by suit.

By-laws. § 6. The said president and board of directors shall have power to pass any by-laws, rules and regulations, for their own government and government of the affairs of the company that they may deem necessary, not inconsistent with the Constitution and laws of this State and of the United States.

Right of way, materials, etc. § 7. Said company shall have the power to acquire the right of way, and quarries and land for toll-gate purposes, and any other purposes necessary in the construction and operation of the road, by contract or agreement with the parties, or by proceedings to condemn the same as provided by the general law in case they can not agree; and may charge toll at the rate fixed by law for five miles, or at the same rate for any fractional part thereof; and the said company is authorized to erect a gate and collect toll when two and one-half miles of its road is completed. Said company shall determine the width and grade of said road, and in what manner it shall be constructed.

Width and grade of road. § 8. The said company may erect two gates on said Gates and tolls. road, to charge as hereinbefore prescribed.

§ 9. This act shall take effect from and after its passage.

Approved April 17, 1888.

CHAPTER 1117.

AN ACT for the benefit of W. M. Callis, late sheriff of Trimble county.

WHEREAS, W. M. Callis, late sheriff of Trimble county, Kentucky, has fully settled his accounts, and received his quietus from the Auditor, as sheriff aforesaid, and there is still due to said sheriff taxes by tax-payers of Trimble county ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. M. Callis, late sheriff of Trimble county, Kentucky, be given two years further time in which to collect the unpaid taxes due by tax-payers of Trimble county ; and he may distrain for said taxes as is allowed by law in the collection of taxes, subject to the same liabilities and penalties as are now imposed for unlawfully distraining for taxes.

§ 2. This act to take effect from its passage.

Approved April 17, 1888.

CHAPTER 1118.

AN ACT to amend the charter of the city of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the city of Owensboro is hereby amended as follows : Persons arrested for any bailable offense shall be placed in a station-house, if necessary, for safe-keeping until taken before the city court of Owensboro for trial, which shall be done at the earliest moment. When said city court is not in session, in cases of misdemeanors bail may be taken by any justice of the peace ; and in cases of felony, by any two justices of the peace. Policemen may, with or without a warrant, arrest persons guilty of offenses

against the laws or the ordinances of the city of Owensboro.

§ 2. This act shall take effect from and after its passage.

Approved April 17, 1888.

CHAPTER 1119.

AN ACT for the benefit of Charity Lodge No. 8, of the United Brothers of Friendship, of Frankfort, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Authority to
issue bonds.

§ 1. That Charity Lodge No. 3, United Brothers of Friendship, of the city of Frankfort, Kentucky, be, and the same is hereby, authorized and empowered to issue bonds, of the denomination of not less than one hundred nor more than five hundred dollars each, to the amount of not exceeding twenty thousand dollars, with interest coupons attached to the same, which bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and bonds to be due and payable twenty years after date, with the option in said lodge to pay any bond after the expiration of five years from its date.

Bonds, by whom
signed.

§ 2. Said bonds may be issued by order of said lodge at any of its regular meetings, and each of said bonds shall be signed by the master and secretary of said lodge, and under its corporate seal, and the interest coupons attached to be signed by the secretary alone, and shall be made payable and transferable as the by-laws of said lodge may direct.

May execute
mortgage to
secure bonds.

§ 3. For the purpose of securing the payment of the principal and interest of said bonds, said lodge is hereby authorized to execute a deed of trust to a trustee by it named for that purpose, and to convey to such trustee in trust, by way of mortgage, for the purpose named herein, all the real estate, with all of

the improvements now held by said lodge. The intent and purpose of this act is to enable said lodge to obtain funds, by the sale of said bonds, with which to build and erect a hall on its property in the city of Frankfort.

§ 4. The individual property of the members of this lodge shall not be responsible nor liable for the debts of the lodge. Exemption of private property.

§ 5. This act shall take effect from its passage.

Approved April 17, 1888.

CHAPTER 1120.

AN ACT to amend an act, entitled "An act to incorporate the American Mutual Benefit Association of Mexican War Veterans," which became a law without the approval of the Governor April 24, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the American Mutual Benefit Association of Mexican War Veterans," which became a law without the approval of the Governor April 24, 1886 (page 257, second volume Session Acts 1885-6), be, and the same is hereby, amended as follows: The board of trustees of said American Mutual Benefit Association of Mexican War Veterans is hereby authorized to admit, as active members of said association, the descendants of soldiers, volunteers, colonial and State militiamen, sailors, mariners, officers, teamsters, wagon-masters, engineers and artisans who served the United States, colonies, or States thereof, in the Indian and Revolutionary wars, and the war of 1812-15; also the descendants of men who were actually engaged in a military or naval battle fought in behalf of the original thirteen States of the United States, or colonies, prior to the year 1787. Soldiers, volunteers, officers, mariners, sailors, teamsters, wagon-masters, engineers, and artisans who Change of law as to admission of members.

served in any military campaign within the territorial limits of the United States and Territories; and sailors, marines and officers who may have served in an armed naval expedition that sailed from a port within the United States, or that was commanded by a native of the United States subsequent to the year 1848, may also be admitted as active members of said association, or as beneficiaries in said Mexican War Veterans' National Home, or its Polytechnic Institute and school; and said board of trustees shall prescribe uniform rules and regulations to govern the admission of all its active and honorary life members and beneficiaries: *Provided*, That the dependants of surviving veterans, and the dependants and descendants of deceased veterans, who served in said last named military campaigns and naval expeditions, may also be admitted as active members of said association, or as pupils in its Polytechnic Institute and school, or as beneficiaries in said Mexican War Veterans' National Home. Authority is hereby granted said association to purchase, or acquire by gift and donation, to own and improve, in the modes authorized by said original act, not to exceed five thousand acres of land in one body, for the permanent location of said Mexican War Veterans' National Home, with its Polytechnic Institute, school, memorial halls and other appurtenances; also to acquire, by gift or purchase, the right of way, and to construct, equip and operate, with either animal or steam propelling power, sufficient single or double track railroad to connect said permanent home site, by the shortest and most convenient route, with a navigable river and a railroad already built and in operation: *Provided*, That the connecting railroad hereby authorized to be constructed and operated, including its double tracks, shall not exceed in the aggregate thirty miles in length; but the necessary turn-outs, switches and side-tracks, and the tracks built and operated over the area of said five thousand-acre home site, shall not be included in the estimate of said thirty miles.

§ 2. Within ninety days immediately succeeding the date of the passage of this act, the trustees of said association shall cause this act to be published by at least five insertions in two newspapers printed and published in this State. After the lapse of six months immediately succeeding the date of the passage of this act, said trustees shall also cause to be published a statement in detail, showing all the money, real and personal property, which said association and Mexican War Veterans' National Home may have theretofore acquired by gift, donation or purchase; also the estimated cash value of said property, and the debts and liabilities due or owing by said association, which statement shall be verified by the oath of the secretary or treasurer of said association. If the fact be shown by said published statement that less than two hundred thousand dollars, including the cash value of gifts and donations made to said association and Mexican War Veterans' National Home, in real and personal property, shall have been previously made and actually paid to said association and National Home by individual donors, private corporations, States and governments, then, and in that event, the franchise and powers granted to said association by section 3 of this act shall vest in and belong to said association and Mexican War Veterans National Home.

§ 3. In consideration of the valuable public services rendered by the soldiers, sailors and officers of the United States army and navy in said war against Mexico, and the valuable public services rendered by the persons, and ancestors of the persons who have been made eligible to membership in said association, by section one of this act; in further consideration of the fact that the establishment and perpetual maintenance of said Mexican War Veterans' National Home, and its educational and industrial departments, as contemplated and authorized by said

original act and this amendment, will promote to the public weal and redound to the permanent honor of the States and people; and in order to aid in raising the necessary funds for said objects, said association, by its trustees, officers and agents, may give, conduct and maintain one hundred public military exhibitions or competitive drills, and musical, dramatic or literary entertainments and industrial expositions, at each of which said trustees, officers and agents may cause to be distributed, as premiums for excellence in said competitive military drills and superiority in industrial, literary, dramatic or musical productions and expositions, a portion of the proceeds realized from the sale of tickets of admission. It is hereby made the duty of said trustees, officers and agents of said association, to apply the net proceeds realized from each of said competitive military drills, entertainments and expositions, to the payment of the purchase money for said five thousand-acre home site, or to the erection thereon of the memorial halls, school, lecture, library and polytechnic buildings, machine and workshops, residences, offices, cottages, and other improvements authorized to be built under authority of said original act and this amendment, and to discharge and pay the debts, notes and bonds of said association. Any surplus funds that may remain as the product of said competitive drills and industrial, literary, dramatic and musical expositions, after the completion of said improvements and payment of said debts, shall be set apart by said trustees for the creation of the permanent endowment fund of two million dollars, according to the provisions of said original act; and a sum necessary may also be applied to retire and cancel the certificates of stock in said association. Said trustees shall cause to be published, in one or more newspapers, a statement showing the net amount of money realized and paid into the treasury of said association as proceeds, or profits from each of said competitive drills, enter-

tainments and expositions, and said trustees may be paid reasonable compensation for their time and services in the discharge of their duties as trustees

§ 4. The name of said association and its Mexican War Veterans' National Home may be changed to that of "Soldiers and Sailors' Home and University," or any other designation that a majority of said trustees shall judge most appropriate. Authority is hereby granted said trustees to change the name of said association: *Provided*, That said names shall not be changed unless said trustees do so within one year after the passage of this act; and said change of name shall in nowise impair any vested right of said association, or the right, privilege or claim of its active and honorary members, beneficiaries, stockholders or creditors

§ 5. This act shall take effect and be in force from and after its passage, except section three, and that section shall take effect and be in force subject only to the contingency stated in section two.

[Became a law without approval of Governor April 18, 1888.]

CHAPTER 1121.

AN ACT to incorporate People's Deposit Bank at Springfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank in the town of Springfield, in Washington county, Kentucky, with a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of People's Deposit Bank, and may so continue for thirty years from its organization; but the board of directors of said bank are author-

May change
name.

Creating.

Capital stock
and style.

ized and empowered to settle and wind up its affairs whenever the owners of more than one-half of the stock determine that the interest of the company requires its discontinuance; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank on equitable principles.

Corporate powers.

§ 2. Said corporation shall have all the powers and privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatsoever; and may have and use a common seal, and change the same at pleasure.

Control of, by directors.

§ 3. The said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom shall at all times be residents of Washington county; they shall, after the first election, be chosen on the first Saturday in June of each year, or if not on that day, then as soon thereafter as may be convenient; and they shall hold their offices until their successors are elected and qualified. They shall elect one of their number president of said bank, and may, if deemed proper, elect a vice-president, who shall hold their offices at the pleasure of the said directors, or a majority thereof. The board of directors shall hold regular meetings at such time as they may fix, and such special meetings as it deems necessary. In case of death, resignation or removal of any director or officer, the vacancy shall be filled by the said board. The said board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends, appoint such officers, agents or servants as they may think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; shall prescribe

such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by attorney; said stock shall be personal property, and transferable only on the books of the bank.

§ 4. R. W. Clements, Jno. R. Barber, J. W. S. Clements, Thos. W. Simms, Jr., Thos. Miller, W. O. B. Shewmaker, and Martin Hamilton are hereby appointed commissioners, any three of whom may act, and may open books for subscription to the capital stock of the corporation; and when shares to the amount of twenty-five thousand dollars shall have been subscribed, it shall be the duty of the said commissioners so acting to give notice in one or more newspapers and fix a day for the stockholders to meet and elect directors, to hold office till their successors are elected and qualified. The payment of the shares subscribed shall be made in such installments and in such time as the board of directors may order; and when fifteen thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or any thing circulating lawfully as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other security or securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871; and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts or acquittances therefor shall be valid. All

promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

May own real estate.

§ 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for or in satisfaction of any debt, judgment or decree: *Provided*, That no real estate conveyed for debt, or other than that which is necessary for the use of the bank in the transaction of its business, shall be held for a longer period than five years, and may sell and convey the same at pleasure. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

Exemption of private property.

§ 7. The private property of stockholders shall not be liable for the debts of the corporation, and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

Oaths to officers.

§ 8. Before entering upon their duties the president, directors, and other officers of the bank, shall take an oath before some person authorized to administer the same to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report same to the Attorney-General of this Commonwealth.

Shall not issue any currency.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

General Assembly may examine its affairs.

§ 10. The General Assembly shall have the right to examine the affairs of the bank by a committee appointed for the purpose, and reserves the right to

alter, amend or repeal this charter at its pleasure. The right to examine the business and condition of this bank is hereby given the Auditor of the State, either personally or by his agent.

§ 11. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1123.

AN ACT concerning the Roman Catholic Bishop of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate name of the "Roman Catholic Bishop of Louisville, and his successors in office," as a corporation sole, shall hereafter be "The Right Rev. Wm. Geo. McClosky, Roman Catholic Bishop of Louisville," and by that name the Right Rev. Wm. George McClosky is hereby created a corporation sole, and by that name may contract and be contracted with, sue and be sued, in all courts, purchase, acquire by gift, devise, deed or otherwise, real, personal and mixed estate; and sell, convey, encumber, exchange or otherwise dispose of the same, or any part thereof.

§ 2. All estate, real, personal and mixed, now held and owned by the Right Rev. Wm. George McClosky, as Roman Catholic Bishop of Louisville, or as "Roman Catholic Bishop of Louisville, and his successors in office," however the same may have been acquired, shall hereafter vest in the corporation sole aforesaid, to wit: "The Right Rev. Wm. George McClosky, Roman Catholic Bishop of Louisville," and be owned by said corporation: *Provided, however,* That the same shall continue subject to the payment of all debts to which it is now subject.

§ 3. At the death of the Right Rev. Wm. George McClosky, or when he may cease to hold office as Bishop, Estate, how same shall descend.

op of the said Diocese, the estate real, personal and mixed, which may then be held and owned by said corporation sole, shall descend to, and the title thereto shall vest in, his lawful successors, in the order of their succession, each of whom shall be a corporation sole by the name of the "Roman Catholic Bishop of Louisville," and be possessed of all powers and rights herein conferred upon said corporation.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1124.

AN ACT to incorporate the Leonatus Club, of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. H. Gaither, J. P. Chinn, Ben. Lee Hardin, J. E. Cogar, W. V. Wilson, C. B. Sullivan, John W. Hughes and W. K. Cardwell, their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Leonatus Club of Harrodsburg; and by that name shall have perpetual succession, and power to contract and be contracted with, sue and be sued, and do business generally.

§ 2. The capital stock of said club shall be one thousand dollars, divided into shares of ten dollars each. Each owner of a share of said stock shall thereby become a member of said club, and in the event of a resignation or expulsion of any member of said club, his stock shall revert to the club.

§ 3. The said club shall be located in the town of Harrodsburg, Kentucky, and shall have power, and it is hereby authorized, to establish, furnish and maintain a suitable club-house for the use, convenience and benefit of its members, and for the purpose of

social enjoyment, improvement and hospitality to members and strangers, and for that purpose may purchase, build or rent suitable land and buildings in said town. The said club may take and hold, by gift or devise, personal or real estate to the value of ten thousand dollars, but said property shall be used for the purposes of said corporation alone. Said club may adopt such constitution and by-laws as they may deem necessary and proper.

§ 4. The affairs of said club shall be managed and controlled by five directors, one of whom shall be president of said club, to be elected at such time and for such term as may be prescribed by the by-laws of said club. The officers of said club shall be elected by the stockholders in such manner as may be prescribed by the by-laws thereof.

§ 5. This act to take effect from its passage.

Approved April 18, 1888.

CHAPTER 1125.

AN ACT to incorporate the Columbia and Jamestown Telephone Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. P. Simpson, J. F. Montgomery, Z. T. Williams, J. B. Patterson, W. S. Stone, J. W. Lapsley and M. H. Rhorer, their associates and successors, are hereby created a body-corporate, with power to sue and be sued; to plead and be impleaded, to contract and be contracted with, under the name and style of the Columbia and Jamestown Telephone Company; and by that name shall have perpetual succession, with power to adopt and use a common seal, and to change the same at pleasure, and to have all the rights of a natural person; and to have the privilege of erecting, equipping, maintaining and operating a telephone line between Columbia, Adair county, and

Names of incorporators and corporate powers.

Jamestown, Russell county, Kentucky, and such branch lines to and from said points, in said counties and adjoining counties, as the company may deem necessary for telephone purposes.

Right of way. § 2. The said company may acquire the right of way for their main or branch lines in the same manner as now provided by law of this Commonwealth for the right of way by turnpike road companies; and may contract with any person or corporation for supplying them with telephonic facilities or the use of telephone instruments.

Capital stock. § 3. The capital stock of said company shall not exceed twenty-five hundred dollars, to be divided in shares of twenty-five dollars each; and said company may commence business and the constructing of their line or lines when ten shares of its capital stock shall have been bona fide taken and subscribed for; and any two of the incorporators herein named may act as commissioners to open books, receive subscriptions for the purpose aforesaid.

Management of its affairs. § 4. The business of said company shall be managed by a board of directors, to be chosen on the organization of the company under this charter, and annually thereafter on the first Saturday of May of each year, at such place as the directors may determine, notice to be given in such manner as the directors may deem proper. The board of directors shall choose one of their number president, whose duties shall be those incident to said office, or provided by said board; and the board of directors shall have power to appoint a secretary and treasurer, and such other officers or agents as may be deemed necessary for the interest of the company, and may pay them such compensation as they deem reasonable.

Holding of property. § 5. Said company may acquire and hold all property, real or personal, necessary to carry out the provisions of this act or the business contemplated, and by its board of directors said company may make all by-laws, rules and regulations, to carry out its affairs,

not inconsistent with the Constitution and laws of this State or of the United States.

§ 6. The individual property of the stockholders shall be exempt from all debts and liabilities of the corporation. Exemption of property.

§ 7. This act shall take effect from and after its passage.

Approved April 18, 1888

CHAPTER 1126.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the Charleston, Kentucky and Western Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act to incorporate the Charleston, Kentucky and Western Railway Company," approved March 2, 1888, be, and the same is hereby, amended as follows: That the word "any," in the sixth line of the fifth section, be stricken out, and the word "Montgomery" be inserted in lieu thereof; and in the ninth line of the same section, between the words "said" and "county" the word "Montgomery" be inserted.

§ 2. This act to take effect from its passage.

Approved April 18, 1888.

CHAPTER 1127.

AN ACT to amend the writ in cases of forcible entry and detainer, so far as it applied to the city of Lexington and Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter, in all cases of forcible entry or detainer, the sheriff or other officer to whom the writ

is directed shall be commanded to give to the defendant at least three days' notice to appear before the judge or justice issuing the writ, and show cause, if any, why he should not be adjudged by the court guilty of the forcible entry (or detainer) complained of in the writ; and when good cause is shown, to summon a good and lawful jury of the county on the — day of — to inquire into the forcible entry (or detainer) aforesaid.

§ 2. All laws inconsistent with this act, or coming within the purview thereof, are hereby repealed.

§ 3. This act shall be in force from and after its passage, but shall only apply to the city of Lexington and Fayette county.

Approved April 18, 1888.

CHAPTER 1128.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 14 of the charter of the city of Louisville be amended by adding after the word "wells" as follows, to wit: "And to place therein such pump-stocks, pumps, pumping machinery, and apparatus and platforms, as in the opinion of the general council may be necessary."

§ 2. This act to take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1129.

AN ACT to authorize the city of Richmond to issue bonds to pay off existing liabilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the sole purpose of paying off the lia- Issue of bonds.
bilities of the city of Richmond now existing, the city council thereof may cause the bonds of said city to be issued for not exceeding ten thousand (\$10,000) dollars, payable in the city of Richmond, at such time, not exceeding twenty years from date, and bearing such rates of interest, not exceeding six per cent. per annum, in semi-annual payment, and in such denominations as said city council may direct; and to provide for the payment of the principal and interest of said bonds; the city treasurer shall set apart at least one thousand (\$1,000) dollars of each year's revenues, which shall constitute a sinking fund, and by him held and paid out exclusively on the bonds and interest as same mature. Said bonds shall be issued at a regular meeting of the city council, and such meeting shall be signed by the mayor and countersigned by the city clerk of said city.

§ 2. The city treasurer of the city of Richmond Sinking fund commissioner.
shall act as sinking fund commissioner under this act, and as such shall execute a bond to the city of Richmond in the sum of twelve thousand (\$12,000) dollars, to be approved by the city council, for the faithful performance of his duties hereunder, and which bond shall be in addition to the bond now required of him as city treasurer, and shall be by him executed at the time of his qualification as city treasurer.

§ 3. The coupons on these bonds shall be receivable Coupons.
at all times in payment of city taxes.

§ 4. That the city council of Richmond is hereby Ordinances of council.
authorized and empowered to pass and enact such

ordinances as may be necessary to fully carry out the provisions and intent of this act.

Failure to pay
bonds.

§ 5. If the city council shall, at any time, fail to pay said bonds and interest when matured, after demand made on the city treasurer, the holder may enforce the payment of same by suit in any court of competent jurisdiction in Madison county: *Provided*, That no bonds shall be issued under this act until the city council of Richmond shall submit the question of the issuing of said bonds to a vote of the qualified voters of Richmond, at an election to be held for such purpose; at least thirty days' public notice of said election to be given in the city papers of Richmond; at which election the question shall be propounded to each voter, "Are you for or against the issuing of city bonds to pay off existing indebtedness?" If a majority of the votes cast shall be in favor of issuing the bonds, then the city council shall have power to do so, as provided for in this act, but not otherwise.

§ 6. This act shall take effect from and after its passage.

Approved April 18. 1888.

CHAPTER 1130.

AN ACT to incorporate the German American Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Adolph Rentlinger, Gotleib Layer, C. Henry Dorn, H. F. Vissman, J. N. Struck, Adam Shuster, H. H. Rademaker, Joseph Gottbrath and M. Schwartz, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the German American Bank, and shall continue until the first day of January, one thousand nine hundred and eight; and by

Corporate name.

the said name are hereby made capable in law to hold and convey real estate for the following purposes: Hold real estate for following purposes. First, such as shall be necessary for its immediate accommodation in the transaction of its business. Second, such as shall be mortgaged to it in good faith by way of security for debt. Third, such as shall be conveyed to it in satisfaction of debts in the course of its dealings. Fourth, such as it shall purchase at sales under judgments, decrees or mortgages held by it, or shall purchase to secure debts due it: *And provided*, That no real estate conveyed to or purchased by it in satisfaction of any debt, judgment or decree, shall be held for a longer period than five years. Personal property. And to have and hold goods, chattels, public and private securities of any kind, quality and nature whatever, including shares of the capital stock of the said corporation, and the accumulated profits, and to sue and to be sued, plead and be impleaded, in any court of record in this Commonwealth, or in any other place whatever; and to make and use a common seal, and the same to break or alter and renew at pleasure; also to ordain, establish and put in execution and amend, such by-laws as may be necessary and convenient for the government of the said corporation, By-laws. not contrary to the laws of the Commonwealth.

§ 2. The said corporation may deal in and receive Objects and powers. on deposit gold, silver, bank notes and other currency, and may purchase and discount promissory notes, bills of exchange, bonds and other evidences of debt. Promissory notes made negotiable and payable at its banking-house, or at any other banking institution, and discounted by said corporation, and also inland bills of exchange, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against makers, guarantors, assignors, drawers, acceptors and indorsers.

§ 3. Capital stock of the corporation shall consist of Capital stock. two hundred and fifty-one thousand five hundred dol-

Shares. lars, in two thousand five hundred and fifteen shares of one hundred dollars each, with the privilege of increasing the same, with the concurrence of the owners of a majority of the stock and the president and directors, to a sum not exceeding five hundred thousand dollars, by sale of additional shares of one hundred dollars each, on such terms and in such manner as the president and directors may direct.

Open books. § 4. The corporators named in this act, or a majority of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books of subscription for two thousand and five hundred and fifteen shares of the capital stock of said corporation; and when the said number shall have been subscribed for, the books shall be closed, and thereafter notice shall be given, by ten days' advertisement in two of the daily newspapers in the city of Louisville, for a meeting of the subscribers, at which meeting one hundred dollars in money shall be paid upon each share subscribed for, and the bank be organized. If any of the corporators named in this act shall fail to subscribe for stock when the books are opened for subscription, they shall cease to be corporators; and if any person subscribing for shares in said bank shall fail to pay one hundred dollars for each share subscribed, at the time and place such payment is to be made according to notice, his claim shall be considered void, and his name shall be stricken from the list of subscribers.

Board directors. § 5. There shall be, as soon as practicable after the books of subscription are closed, an election for a board of directors, to consist of nine shareholders, which directors shall be elected by a majority of shares voting at such an election, either by the person holding the shares or by proxy, and they shall serve until the second Monday in January next ensuing. On every second Monday in January thereafter a new election is to take place in like manner, and the directors so elected shall serve until their successors are elected and have been qualified.

§ 6. No shareholder, however, shall be eligible for Eligibility. the office of director unless he is the *bona fide* holder of ten shares in his own name of said stock, free from all lien or encumbrances.

§ 7. The directors of the said company shall then Officers and agents. organize by the election of one of their number as president, to hold office until his successor is elected and qualified. The president and directors shall elect such officers and agents as may be necessary for the business of the bank, fix their salaries and prescribe their duties, and may require from any officer, clerk or agent, bond, with security in such sums as they may deem adequate. The salary of the president shall Salary president. be fixed by the directors. A majority of the whole Quorum. number of directors shall be a quorum for the transaction of business, and their regular meetings shall be held on each and every Friday. At each regular meeting a statement of the affairs of the bank and its Statement of affairs. business for the preceding week shall be exhibited; and if, at the regular meeting held on the last Friday in the months of April and October of each year, it shall appear that any profits have been made during the preceding six months, then the president and directors shall declare a dividend of such portions thereof as they may deem expedient.

§ 8. The form of certificate of stock, and the man- Form, etc., certificates. ner of transferring the same, shall be fixed in the by-laws of the bank.

§ 9. The office for the transaction of business of the General office, Louisville. bank shall be in Louisville, in Jefferson county, Kentucky.

§ 10. The General Assembly reserves the right to Charter may be amended. modify or amend this charter at pleasure.

§ 11. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1131.

AN ACT to incorporate the Owensboro Board of Trade.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incor-
porators and cor-
porate powers.

§ 1. That C. A. Todd, J. D. Powers, Jos. Rothchild, F. T. Gunther, Robert Brodie, Jno. Wandling, R. McJohnson, T. W. McAtee, Benj. Wile, Wm. Crutcher, John Thixton, E. P. Willett, S. M. Dean, W. A. Gunther, and their associates, are hereby created a body-politic and corporate, with succession, under the name of the Owensboro Board of Trade; and by that name may sue and be sued, implead and be impleaded, receive and hold property and effects, real and personal, by gift, devise or purchase, and invest or re-invest or dispose of the same by sale, lease or otherwise, said property so held not to exceed at any time the sum of fifty thousand dollars; may have and use a common seal, and make such rules and regulations and by-laws as may advance the commercial character of the city of Owensboro, fix and determine joint rules and customs among its business community, acquire and disseminate useful business information, and avoid and adjust, as far as practicable the controversies and misunderstandings which may arise between individuals engaged in trade, when they have no acknowledged rules to guide them; such rules and regulations not to be contrary to the laws of the United States and the Commonwealth of Kentucky.

Subscription of
stock.

§ 2. That at any time hereafter the said corporation may, by its by-laws, authorize a subscription of stock, in shares not exceeding one hundred dollars each, to an amount not exceeding the limit imposed in the first section, to be used for the promotion of the objects of the association, which said shares shall be transferable on the books of the said corporation

in such manner as may be provided for by the by-laws of said corporation.

§ 3. Said board of trade shall not engage in traffic of any kind, or exercise any banking privileges; and the Legislature shall have power to amend, repeal or alter this charter at any time. Traffic and banking privileges prohibited.

§ 4. This act shall take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1132.

AN ACT to incorporate the Merchants and Mechanics' Bank of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of discount and deposit in the city of Owensboro; the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The Merchants and Mechanics' Bank;" and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank may be under the control and direction of three or more directors to be elected by the stockholders, and shall serve one year, or until their successors shall be elected and qualified. The directors may select, annually, a president from their number. The stockholders may meet and elect the said three or more directors when five hundred shares shall be subscribed and fifty per cent. thereof paid. J. W. M. Field, R. Monarch, R. W. Slack, J. W. Marks and M. V. Monarch, or any two of them, may, Directors.

Capital stock. at such time, place and in such manner as suits their convenience, open books for subscription for the capital stock, which shall be in shares of fifty dollars each; and said corporation may commence business so soon as the said fifty per cent. of five hundred shares have been paid in, and the president or cashier shall have made oath to the fact of such payment before some judge, justice or notary.

Power of directors. § 3. That the directors shall have power to receive subscriptions for so many shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of said bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think reasonable and proper. In case of the death or resignation of any director, the vacancy can be filled by the board of directors. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any unpaid balance thereon. For the contracts of the corporation, each stockholder shall be individually responsible to the amount of stock held by him in said corporation. The capital stock of said bank may be increased from time to time to two hundred and fifty thousand dollars, as the president and board of directors may deem advisable and proper, but not to exceed that amount.

Vacancies.

Capital stock.

Class of business § 4. That said bank may transact business as a natural person; may loan money, discount promissory notes or bills of exchange; may buy and sell gold and silver coin, exchange, stock or other securities, and all other evidences of indebtedness; and may do a general banking business, except that it shall not have power to make or issue notes of its own. The

promissory notes and bills of exchange made negotiable and payable at its banking-house, or at any other banking-house, when discounted by the bank, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers. The said bank shall have the power to make advances on approved securities, upon agricultural products, including growing crops, and upon all manufactures and fixtures, as personal property. It may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates, or bonds of indebtedness, or the bonds of this or any other State, city or county or company incorporated by the United States or any other State, and sell the same on the non-payment of the debt or demand by ordinary judicial proceedings.

§ 5. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 6. That said bank may acquire, hold, possess, use, Real estate. occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business or to further the objects of its creation, or which may be conveyed to it as surety of any debtor purchased to aid in the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold such real estate longer than five years, and sell and convey the same; and said bank may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution of this State or of the United States.

§ 7. That it shall not be lawful for this bank to issue any note or bill to be passed or used as currency,

§ 8. That this act shall take effect from its passage, and continue in force thirty years.

Approved April 18, 1888.

CHAPTER 1133.

AN ACT to define and establish the dividing line between Grayson and Edmonson counties, from a point on Nolin river, one hundred yards below the boat-yard, which is near and below the mouth of Conoloway creek, to the Butler county line.

Preamble.

WHEREAS, In the first section of the act of the General Assembly of this Commonwealth establishing the county of Edmonson, approved January 12, 1825, appears the words, "Hobles' old place," which should have been "Hobbs' old place," as no such person as Hoble was ever known to have a place in the section of country named in said act; but "Hobbs' old place" is, and was then, well known to the people in that neighborhood; and whereas, this mistake has caused much litigation and contention; and whereas, there is no record anywhere to be found showing that the said line was ever run; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of com-
missioners.

§ 1. That John E. Stone, of the county of Grayson, and J. C. Vanmeter, of the county of Edmonson, be, and they are hereby, appointed special commissioners to survey, define and establish the dividing line between the said counties of Grayson and Edmonson, from a point on Nolin river, one hundred yards below the boat-yard, which is near and below the mouth of Conoloway creek, to the Butler county line. Commencing on the bank of Nolin river, at the beginning corner, and running the old original line to the But-

ler county line, so as to make no changes in said line, so as to add no new territory to either county or diminishing none from either county: *And provided*, That no part of the cost accruing shall be paid by the county of Edmonson.

§ 2. The said commissioners are directed to begin Points of survey. said survey of said line at the point on Nolin river, one hundred yards below the boat-yard aforesaid, and run thence a straight line to "Hobbs' old place," on Bear creek; thence a straight line, by Wm. Allen's, to the Butler county line.

§ 3. The said commissioners shall have power to May subpoena witnesses. subpoena witnesses, and have their sworn statements relative to the original line between said counties.

§ 4. The said commissioners shall complete their Time for completing work. work on or before the first day of September, 1888; and they shall put up mile-stones on said line, in addition to the usual timber marks, and they may have as many chain-carriers and rodmen as may be necessary, who shall be paid legal chain-carriers' fees.

§ 5. On or before the first day of October, 1888, said Report of. commissioners shall make out a report of their work in duplicate, one of which shall be filed and recorded in the clerk's office of the Grayson county court, and the other shall be filed and recorded in the clerk's office of the Edmonson county court; and thereafter the line described in said report shall be the line between said counties, from Nolin river to the Butler county line.

§ 6. Said commissioners shall each be allowed five Fees of. dollars per day for the time they are actually engaged in said work, the same to be paid by their respective counties; and each of said counties shall pay one-half of the entire expense of running said line as aforesaid

§ 7. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1134.

AN ACT to incorporate a Savings and Deposit Bank in the town of Elkton, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporating
and capital stock

§ 1. That there is hereby established a Savings and Deposit Bank in the town of Elkton, Kentucky, with a capital of fifty thousand dollars, which may be increased, by order of the directors of said bank, to two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "Todd County Bank," and shall so continue for twenty-five years from its organization, and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending, in all courts and places whatever. Said bank may have and use a common seal, and change the same at pleasure.

Control and man-
agement.

§ 2. Said bank shall be under the control and management of five directors, who shall be stockholders residing in this State, each of whom shall own, in his own right and name, at least ten shares of stock, and after the first annual election, shall have owned the same at least six months before his election. They shall hold their office until their successors are elected and qualified, and after the first election shall be elected the second Monday in January in each year, or as soon thereafter as is practically convenient; and in case of a vacancy the remaining directors shall have power to appoint a qualified stockholder to fill it. They shall elect one of their number president, who shall preside at their meetings and perform such other duties as may be assigned him by this charter

and their by-laws; they shall have power to sell any of the stock remaining unsold; to declare dividends of the profits arising out of the business of the bank; to appoint such officers, agents and employes as they may deem necessary to conduct the business of the bank, and pay them for their services; to take from the president, cashier and other employes such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties; and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank: *Provided*, The same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder or his attorney, under such rules and regulations as the directors shall from time to time establish; but the corporation shall have a lien on the stock to secure any indebtedness to the bank by the stockholder for any unpaid balance on said stock.

§ 3. Dr. E. P. Russell, J. H. Armstrong, W. B. Reeves, J. N. Cartwright and Thos. Pepper, are hereby appointed commissioners, any of whom, after giving notice to the others, may open book and receive subscriptions for the capital stock of said bank; and when one-fifth or more of said stock shall have been subscribed for, it shall be their duty to give notice to the stockholders, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payment for the shares subscribed for shall be as follows, namely: Five dollars on each share at the time of subscribing, and twenty dollars within thirty days after the election of the first board of directors, and the remainder in such amounts and at such times as the directors may require: *Provided*, That no one call shall be for a larger amount than twenty dollars per share, and at a shorter notice than thirty days; and furthermore,

Names of commissioners, services and duties.

that nothing contained herein shall be construed so as to prevent any stockholder from making payments on his stock in advance of the calls made by the directors. Said corporation may commence business so soon as ten thousand dollars shall have been paid in as capital.

Deposits.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such rate of interest as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages and other evidences of debt; take personal and other securities for the payment of the same, and dispose of the latter as may be agreed upon between the parties, and pass a valid title to the same. All promissory notes made negotiable and payable to this or any other authorized bank, and inland bills of exchange which may be discounted and owned by said bank, shall be, and are hereby, put upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

Minors and married women.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

Real estate.

§ 6. Said bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as it practically convenient.

§ 7. No greater dividend than ten per centum per

annum shall be paid to the stockholders, unless the Dividends.
surplus fund remaining on hand shall be equal to
one-tenth of the capital paid in.

§ 8. No loan or discount shall be made to any Loans and dis-
counts.
stockholder to pay any call or balance due on his
stock.

§ 9. Every stockholder shall be individually liable Liability of
stockholders.
to the creditors of the bank to the full amount of
stock subscribed for and owned by him; but when
the same shall have been paid for in full, then no
further individual liability attaches to said stock-
holder.

§ 10. It shall not be lawful for said bank to issue Unlawful to issue
notes, etc., as
currency.
any note or bill to circulate as money.

§ 11. The president, directors and other officers of Oaths of officers.
this bank, previous to entering on the discharge of
their duties, shall take an oath before some justice
of the peace of this State faithfully, honestly and to
the best of their skill and judgment, to discharge all
the duties of their respective offices and stations
under this charter, or which may be required of them
by the by-laws, rules and regulations of the corpora-
tion; and that they will not, during their continuance
in office, sanction or permit any of the provisions of
this charter to be violated; and should any occur
without their concurrence, that they will immediately
report the same to the Attorney-General of this Com-
monwealth.

§ 12. That the president, directors and company of Liquidation of
affairs.
this bank be, and they are hereby, authorized and em-
powered to wind up the affairs of said bank whenever
a majority of the stockholders, represented by stock,
shall determine that the wants of the community and
the interest of the company do not require its contin-
uance.

§ 13. To effect this, the said president, directors Powers of officers
as to liquidation.
and company shall have all the powers which may
be necessary and proper to wind up and liquidate
the affairs of said bank upon just and equitable prin-
ciples.

§ 14. Section six of this act shall not be so construed as to permit said bank to hold any real estate that it may acquire in any manner for a longer period than five years, except such as may be necessary for the transaction of its business.

§ 15. This corporation shall have two years from the passage of this act in which to organize and commence business.

§ 16. That each stockholder in said bank shall be entitled to one vote for each paid-up share of stock owned by him, in all elections held under this charter, to be cast in person or by proxy, authorized in writing.

§ 17. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1135.

AN ACT to incorporate the Bowling Green and Owensboro Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Galloway, H. P. Cartwright, H. T. Clark, John A. Robinson, R. B. Heard, E. B. Seeley, Elvis Porter, Nerge Clark, and Wm. Overstreet, of Warren county, and Chas. Neel, Nat. T. Howard, Columbus Neel, J. T. Moore, B. L. D. Guffy, T. Carson, J. E. Harrold, Wm. Wand, and Jas. Phillips, of Butler county, and John Daniel, Ed. Tilford, Abe Kohn, Estill Guffy, S. H. Hill, of Ohio county, and R. S. Triplett, J. D. Powers, Geo. V. Triplett, J. W. Marks, A. C. Tompkins, J. A. Fequa, R. Monarch, M. V. Nineard, J. Allen Dean, of Daviess county, and Lafe Green, of Grayson county, or such of them as shall act, are hereby appointed commissioners, and they and their associates are constituted a corporation, with perpetual succession, for the purpose of

building a railroad from Bowling Green, Kentucky, through Butler county, near Morgantown, through the coal banks of the thoroughfare on Green river, through Hartford, in Ohio county, and to Owensboro, Kentucky.

§ 2. The style and name of the corporation hereby Name and style. created shall be the Bowling Green and Owensboro Railroad Company.

§ 3. The capital stock of said company shall be one Capital stock. million dollars, divided into shares of one hundred dollars each; and individuals, cities, towns and counties or corporations are authorized to subscribe and hold stock in said company.

§ 4. The commissioners aforesaid, or such of them Subscription. as may act, shall have power to open books and receive subscriptions of stock in said company, or any place and at any time they may appoint, and upon such notice as they may deem proper; said stock to be paid in money, property, bonds, work, or materials, and in such manner as may be agreed upon.

§ 5. When subscriptions to stock to the amount Meetings of stockholders. of twenty thousand dollars have been made, said commissioners shall give notice thereof, and assemble the stockholders at some convenient point; and said stockholders, from their body, shall elect seven (7) directors, one of whom shall be elected by said directors president of the company. Said president and directors shall be elected annually, and hold their office until their successors are appointed. Said president and directors shall have full power to receive subscriptions of stock to said company, and do all and every thing necessary and proper for the building, equipping and operating said road.

§ 6. The said railroad company may acquire sub- County subscrip- tions and bonds. scriptions to its capital stock from any county or part of county through which said railroad may be built, or which may be interested in the construction of said railroad; and the said county court of any such county is authorized to issue their bonds, in such

Submission of to
vote.

amounts as the county court may direct, payable at any time not exceeding thirty years from date, and bearing interest at not exceeding six per cent. per annum, and to deliver all such bonds to said railroad company in payment at par for stock in said railroad company; but before any such subscription on the part of any county or part of county shall be valid, the county court of said county shall, when requested by a majority of the magistrates in said county, or by a majority of the legal voters in said county or part of county, submit the question of any such subscription to the qualified voters in which the proposed subscription is to be made, and at such time as the court may direct; and should a majority of all the qualified voters in said county or part of county vote in favor of subscribing stock in said railroad company, it is hereby made the duty of the county court of any county in which said vote is taken to make the subscription in the name of said county or part of county, and proceed to have issued the bonds to the amount of such subscription as herein directed; and the county court of the counties that may subscribe stock in said railroad are authorized to levy a tax upon the tax-payers, a sum sufficient to pay the interest on said bonds and cost of collecting same as it matures, and to provide in like manner for the payment of the principal at maturity.

§ 7. This said company, through its board of directors, shall have and may exercise all the powers, rights and privileges usually incident and necessary to the purposes of such a corporation, and as are granted to like corporations in this State not inconsistent with the Constitution and laws of the United States and State of Kentucky.

Time when work
shall be com-
menced.

§ 8. That if the road herein authorized to be constructed shall not be commenced in good faith within three years after the passage of this act, and complete same within five years, then the charter hereby

granted shall be null and void as to any part of said road not completed.

§ 9. *Provided*, That no bonds shall be issued by any county or part of county, city or corporation, to said railroad company, until the said railroad shall have been completed and operated from the terminal points named in the petition to said county or part of county, city or corporation, and the cars of said railroad company shall have passed to and from said terminal points named in said petition asking for subscription to said railroad.

§ 10. No subscription shall be made by any county, part of county, or municipal corporation, to said railroad company, for any sum exceeding two per cent. of the taxable property of said county, part of county, or municipal corporation; and no indebtedness shall be made by any county or part of county, or municipal corporation, by subscription to said road, whereby the indebtedness of said county, part of county, or municipal corporation, already in existence, together with the indebtedness that may be created by subscribing to the said road herein, shall exceed two per cent. of the taxable property of said county, part of county, or municipality: *Provided*, That nothing in said act incorporating the Bowling Green and Owensboro Railroad Company shall authorize the county court of Daviess county, or the mayor and common council of the city of Owensboro, to submit to the qualified voters of Daviess county, or any precinct therein, or of the city of Owensboro, to vote aid or subscribe stock to the capital stock of the said railroad.

§ 11. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1136.

AN ACT to incorporate the Triplett and Big Sandy Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporation,
style and name.

§ 1. That Joseph Radbourne, James H. Rodbourne, Wm. H. Baldwin and Amos Hixson, their associates, successors and assigns, be, and are hereby, created a body-corporate, under the name and style of the Triplett and Big Sandy Railroad Company, with perpetual succession; and by that name may sue and be sued, contract and be contracted with; and may take by gift, grant or purchase, hold, lease, or sell and convey, any real and personal property and estate, so far as may be useful in carrying out the objects of this act of incorporation; and may exercise all such rights and powers legal and necessary thereto.

Class of business.

§ 2. The said company shall have power to construct, maintain and operate a railroad, with all necessary sidings, turn-outs and switches, depots, platforms, stations, and station-houses, from Rodbourne Station, on the Elizabethtown, Lexington and Big Sandy Railroad, at or near the point where Christy creek empties into Triplett, in Rowan county, extending up Christy creek in a south-easterly direction, and continuing to such point on the Chattaroi Railroad as shall be deemed most expedient by said company; with power to construct branches upon either side to connect with timber and mineral lands, and for the transportation of all lumber, timber, metals, ores, coal, stone, and other freights, and also for carrying passengers as well, also all agricultural products. The said company may erect a bridge across the Big Sandy river at such point as may become necessary in the construction of its said railroad with the Chattaroi Railroad, of such height and

length of spans between piers as will not interfere with the navigation of said river. The location, height and length of spans shall be subject to the approval of the Board of Railroad Commissioners of this Commonwealth; and may also be provided with foot-ways and road-ways for common vehicles drawn by animal power, and for all loose stock, for which said company may collect reasonable tolls, to be fixed by the company, and plainly posted at the entrance of the bridge, on either side of said river, subject to revision upon complaint and notice to said company by said Board of said Commissioners. Said company may also connect its track with other railroads, on such terms as may be agreed upon by it with such other railroad companies; and in default of such agreement, the terms shall be defined and prescribed by said Board of Railroad Commissioners.

§ 3. The said company may acquire by gift, grant, purchase or condemnation, in the manner prescribed by law, the necessary right of way for constructing such railroad, sidings, turn-outs, switches and branches, of such width as may be necessary to lay the required tracks, and for all depots, depot-grounds, stock-lots, station-houses and water-tanks, and all necessary appurtenances to and for a well and suitably equipped railroad; and for locating said railroad, sidings, turn-outs, switches and branches, the said company, by and with its engineers, agents and servants, may, from time to time, enter upon any lands for the purpose of making preliminary surveys necessary in determining the most suitable location for the same, and for making a final and locative survey thereof: *Provided, however,* That said company shall not have the right to take possession of any land so condemned without having first paid the damages assessed, or if refused, deposited in court for the use of the party entitled thereto.

Acquisition of property by gift, devise or condemnation.

§ 4. The capital stock of said company shall be two

Capital stock.

millions of dollars, to be divided into shares of one hundred dollars each, to be issued and sold in such amounts and at such times as in the estimation of the company shall be expedient for carrying out the objects herein provided for; and the same shall be paid for in the time and manner prescribed by said company. The said stock shall be deemed personal property, and be transferable on the books of the company in person or by power of attorney.

Affairs and management controlled by board of directors.

§ 5. The affairs of said company shall be controlled by a board of directors of not less than four nor more than nine, as the by-laws of the company may prescribe, who shall be stockholders in the company. The directors shall be elected at the time and in the manner provided by the by-laws; and a president and secretary and treasurer may be elected by the directors from their body; and they also appoint all such other officers, agents and servants as may be required in the conduct of the company's business, taking bond from such of them as the board shall deem necessary and proper, in such amount and with conditions as the board shall determine. Until a board of directors shall have been elected by the stockholders, the incorporators shall act as such.

By-laws, etc.

§ 6. The directors, subject to the approval of the stockholders, shall enact such by-laws for the government of the company as shall be deemed expedient, not inconsistent with the provisions of this charter, the Constitution and laws of this Commonwealth, nor of the United States of America: *Provided*, That upon all questions submitted to a vote of the stockholders, each shall have one vote for every share of stock owned by him or her, which may be cast in person or by written proxy, duly signed and witnessed.

Telegraph and telephone lines.

§ 7. The said company may, in addition to the powers above granted, also establish and maintain telegraphs and telephones along its railroad and branches, for the more convenient and safe trans-

action of its business of constructing and operating its said railroad and branches, and for the accommodation of the public when reasonably required.

§ 8. That the construction of said road shall be commenced, bona fide, within two years from the passage of this act, and be completed within six years from the date of commencement.

§ 9. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1137.

AN ACT to amend an act, entitled "An act for the benefit of common school district No. 25, in Oldham county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section 2 of an act, approved April 15, 1882, entitled "An act for the benefit of common school district No. 25, in Oldham county," as makes the trustees of Funk Seminary, in Lagrange, Kentucky, *ex officio* trustees of the common school district No. 25, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1138.

AN ACT to authorize the city of Henderson to pay John Hoffy, for work done by him on Center street, in said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, the city of Henderson passed an ordinance to improve Center street in said city, between Elm and Alvasia streets, and John Hoffy, under

said ordinance and contract made with said city, did grade, gutter, curb and pave a large portion thereof, and which work was received and approved of by said city. And whereas, it was afterwards decided by the Court of Appeals, in the suit of the said Hoffy against W. I. Letcher and others, that said ordinance was void, and that said Hoffy could not enforce the claim for said improvements against the abutting property-holders. Now, that justice may be done said Hoffy, and that said city may not receive and enjoy the benefit of his labor and material free of cost, the mayor and common council of said city are hereby authorized and empowered, in their discretion, to pay said Hoffy a reasonable compensation for said labor and material out of any money in the city treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1139.

AN ACT to amend the charter of the town of Elkton, in Todd county

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any one to set up, use or control any scales within the corporate limits of said town for the purpose of doing general or public weighing, for which a charge is made or received, without first obtaining license therefor ; and the trustees of said town are authorized and empowered to grant said license, and fix the amount to be charged therefor within their discretion.

§ 2. That whoever shall be guilty of a violation of this act shall, upon conviction thereof, be fined not less than five nor more than ten dollars for each offense. The provisions of this act are not to apply

to the scales belonging to the town so long as they belong to it.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1140.

AN ACT to incorporate the Cairo and Memphis Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. White, of Ballard county; R. J. Bugg, of Carlisle county; N. P. Moss, of Hickman county, in this State, and Stuyvesant Fish and E. H. Harriman, of New York, and James Fentress and M. Burke, of Tennessee, together with those who may hereafter become stockholders, their successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of The Cairo and Memphis Railroad Company, and as such shall have perpetual succession; and said corporation, its successors and assigns, are hereby forever authorized and made capable in law to have, hold, purchase, receive by donation or otherwise, and enjoy in fee-simple, so much real estate, either in this or adjoining State or States, or in both, as may be necessary to the construction, use and operation of their railroad, including ground for their depots and necessary side-tracks; to sue and be sued, to plead and be impleaded; to use a common seal, and the same to alter, break or renew at pleasure.

§ 2. *Be it further enacted*, That the said corporation shall also have, and it is hereby authorized and invested with the right and power to build and construct, and thereafter to use, operate, own and enjoy a railroad, with one or more tracks, on such line as said company may select, after having the route sur-

Corporators.

Corporate name.

Corporate powers.

Objects and powers.

Route of road.

veyed between East Cairo, or some point in Ballard or Carlisle county, in this State, on the line of the Chicago, St. Louis and New Orleans Railroad, to the city of Memphis, Tennessee ; and said corporation may from time to time build, use and operate one or more branches, spurs and lateral railroads, not exceeding fifty miles in length in this State ; said company, as soon, and whenever, from time to time, they have located said main line or branches, spurs and laterals thereto, shall file in the office of the Secretary of State a statement showing the general line thereof, so far as the same has at such time been located.

§ 3. *Be it further enacted*, That the capital stock of said company shall be five millions of dollars, but the same may be from time to time increased to a sum or sums not exceeding the amounts actually expended by said company in constructions, completions, equipments and additions to said railroads and property ; and said company may issue any part of said stock as preferred stock, and fix the relative rights of common and preferred stock as to dividends and income, and they may issue said stock, or any part thereof, as fully paid and not liable to calls ; and all such bonds and obligations as they may from time to time determine.

Capital stock. Said capital stock shall be in shares of one hundred dollars each, and each share thereof shall entitle the holder to one vote, under such regulations as the company may, in its by-laws, provide. Said stock shall

Shares. be deemed personal property, transferable by assignments agreeably to the by-laws of said company, and may be owned and voted by any person, association or corporation of this or any other State or country, in person or by proxy, with the same power as such stockholders (though an alien or foreigner) to bring and maintain suits, or to do other acts in his right as such stockholder as if a resident and citizen of this State.

Stock transferable.

§ 4. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors,

Directors.

and such officers and agents under them as the interest of the company may, from time to time, require. Such board of directors shall consist of such a number of members as the company may determine from time to time, but not less than five, one of whom shall be a resident of the State of Kentucky; and said board shall have power to appoint an executive committee, with full power to act in their stead and place at all times when said board of directors is not in session. The persons named in the first section of this act may, of their number, organize a board of directors, who may open books of subscription to the capital stock of said company, and when five hundred thousand dollars of stock has been subscribed, shall call a meeting of all the stockholders, or subscribers thereto, for the election of a board of directors. The term of office of director of said company shall be three years, and until his successor is elected and qualified; but in the first election of directors by the stockholders, or subscribers to the capital stock, as above provided, part of said directors shall be elected for one year, part for two years, and part for three years, as may be determined at said meeting; and in each subsequent year a number of directors shall be elected by the stockholders equal to the number of directors whose term of office expires in such year; and said board of directors may of their number elect a president and fix his term of office and compensation, and may provide for the election or appointment and removal of such other officers and agents as and when they please, and may create and abolish such officers, fix the donation and compensation thereof, from time to time, as may seem best, and may adopt, modify or alter by-laws for said company at their will, not inconsistent with the laws of this State, and do all other acts proper or necessary to be done in the management of the affairs of said company.

§ 5. *Be it further enacted*, That said company may,

Mortgage or convey property.

Consolidate with other company.

from time to time, mortgage or convey, in trust, any or all of its property, real, personal and mixed, of any and every description whatsoever, then owned or thereafter to be acquired, and also all or any of its rights, powers, privileges, liberties, immunities or franchises, whether then owned, possessed and enjoyed or thereafter to be acquired, including its rights to be a corporation, and under such deed or deeds of trust or mortgage, secure, execute and dispose of the mortgage bonds of said company to such amounts, and maturing at such times, and bearing such interest, as it may deem best. Said company may also execute a mortgage or mortgages and trusts, as aforesaid, to secure bonds or obligations of other railroad companies, and may indorse the bonds of any other railroad company or companies, or in any other manner guarantee such bonds and secure the same by a mortgage or mortgages on its own property and franchises then owned or thereafter to be acquired, as fully as it could do if the bonds were issued by it as aforesaid. Said company may consolidate with any other railroad company in or out of the State of Kentucky, upon such terms as the consolidating companies may agree upon; and it may lease its railroads and all its property and franchises, rights, powers, privileges and immunities then owned or thereafter to be acquired, and may take a lease upon other railroads for a term of years or in perpetuity; and upon any such consolidation the consolidated company shall have and enjoy all the property, rights, privileges, powers, liberties and immunities and franchises herein granted; but such consolidation shall not have the effect of exempting from taxation the railroad or property owned by such other consolidating company prior to its consolidation with the company hereby chartered, nor of exempting from taxation any property which the consolidated company may, after such consolidation, acquire under the provisions of this charter of such other consoli-

dating company; and in case of a lease, the lessee shall, so far as the terms of the lease may allow, enjoy and possess all the property, rights, powers, privileges, liberties, immunities and franchises which the lessor had as to the leased premises; and said railroad company may make such traffic and running arrangements with other railroads as it may see proper. The said company is also authorized to do an express business over its own and other lines of railroads and boats, and other conveyances, in and out of this State, and to acquire or put up, use and operate a line or lines of telegraph in this and other State or States, and to acquire, hold and enjoy all such property as may be proper, necessary or convenient in doing the said express or telegraph business.

§ 6. *Be it further enacted*, That said company shall Further powers. have and possess the power of fixing, from time to time, by its board of directors, the rates at which it will do express or telegraph business, and also the rates at which said company will transport persons or property over its railroads and branches; but such rates may be altered by any commissioner appointed and acting under any general law of this Commonwealth creating or empowering such commission to regulate freights upon railroads, or as to inter-State commerce by any commission appointed and acting under any general law of the United States, providing for the regulation of freights upon railroads.

§ 7. *Be it further enacted*, That the right of way is Right of way. hereby granted said company to pass in and through that part of the State of Kentucky west of the Chicago, St. Louis and New Orleans Railroad, in the general direction aforesaid with its main line and the branches, spurs, and laterals therefrom, and to enter upon and use all lands, rocks, timber, earth, sand, gravel and other materials which may be found on the routes selected and which belong to the State of Kentucky, and be convenient or necessary for the use of said railroad; and whenever said railroad or the

branches, spurs or laterals aforesaid, are located over any lands belonging to this State, the title in fee-simple to fifty feet on each side of the center of the said railroad track or tracks shall vest in said company, its successors and assigns; and said company is hereby authorized to cause such examinations and surveys to be made as shall be deemed necessary to determine the most eligible route upon which to locate its main line and branches, spurs and laterals, and to enter upon and appropriate all such lands and materials as may be private property, which may be convenient or necessary, together with fifty feet on either side of the center of such track or tracks of such railroads, laterals, spurs and branches; and in case the company fail to agree with the owners of such lands or materials upon the price to be paid for the fee-simple title thereto, or in case the owner is under any disability in law to contract, or is absent from the county where such lands or materials are situate, or is unknown, the company may proceed to condemn such lands and materials in the mode prescribed by the general laws. Said company is also authorized to construct, maintain and operate its railroad, branches, spurs and laterals, under, over and across all streams or bodies of water in this State, whether navigable or not, which lie across or along their lines: *Provided*, That where any navigable stream is crossed, a bridge or draw sufficient to allow the passage of water-craft plying such waters shall be maintained and operated, so as to cause no unreasonable delay to such craft.

§ 8. *Be it further enacted*, That said company is authorized to erect or acquire, maintain and use, such depots, storage houses, wharves, sheds or other buildings or depositories, in or out of this State, as shall be necessary or convenient in the exercise of the powers granted in this charter.

§ 9. *Be it further enacted*, That said company be, and it is hereby, granted the right, having first ob-

tained the consent of the council or board of trustees, to run its railroads, branches, spurs or laterals, into the corporate limits of any incorporated town or city reached by the line or lines of said railroad, as they may hereafter be located under the powers herein granted, and to build and operate such railroad tracks across or along any streets of such incorporated municipality: *Provided*, That such part of said railroad as shall be located in, across, under, or upon any such street, shall be so constructed and operated as shall not unreasonable hinder its use as a street.

§ 10. *Be it further enacted*, That the board of directors, stockholders, executive committee, and officers and agents of said company, may hold their meetings and transact the business of said company in or out of this State, and may establish such offices as they may, from time to time, deem best, in or out of this State; and any and all acts done by said company, its officers or agents, out of this State, shall be of the same force and effect as if done within this State.

§ 11. *Be it further enacted*, That no mortgage executed by said company shall protect its property against the collection of claims for damages done by its engines and cars to the persons or property of citizens and residents of the State of Kentucky.

§ 12. *Be it further enacted*, That unless within one year after the passage of this act commence in good faith to construct the road herein authorized, and shall complete so much of said road as lies in Kentucky within two years after the passage of this act, or this charter, shall become null and void.

§ 13. *Be it further enacted*, That all acts in conflict with this act, or any part thereof, be, and the same are hereby, repealed; and that this act take effect and be in force from and after its passage, the public welfare requiring it.

Approved April 18, 1888.

CHAPTER 1141.

AN ACT to amend the charter of the Jessamine Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Jessamine county is hereby authorized and empowered to subscribe to the capital stock of the Jessamine Female Institute a sum of money not exceeding five thousand (\$5,000) dollars.

§ 2. The said county court shall be empowered to levy an ad valorem tax, not exceeding twenty-five cents on each one hundred (\$100) dollars of taxable property in Jessamine county, for the purpose of carrying out the provisions of section 1 of this act.

§ 3. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1142.

AN ACT to authorize the Jessamine Female Institute to issue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Jessamine Female Institute be, and the same is hereby, authorized to issue bonds, not exceeding fifteen thousand dollars in value, to aid said institute in the erection and completion of its buildings on its lot in the town of Nicholasville, Kentucky.

§ 2. Said bonds shall bear six per cent. interest, payable annually in the town of Nicholasville, and shall have not exceeding ten years to run.

§ 3. Said bonds shall be signed by the president and attested by the secretary of the board of trustees of said institute, under the corporate seal of said in-

stitution, and may be issued, at the discretion of the board of trustees, in sums not less than twenty-five dollars nor more than five hundred dollars; and all the property of the institute subject to execution shall be bound for the payment of both principal and interest of the same.

§ 4. Said institute shall have full power to prescribe the form of the bonds, to make all arrangements necessary for carrying into execution the provisions of this act, and to create a sinking fund out of the rents and revenues occurring to the institute for the purpose of paying off the interest and principal of said bonds at maturity, or sooner if deemed advisable.

§ 5. This act to take effect from its passage.

Approved April 18, 1888.

CHAPTER 1143.

AN ACT in reference to legal advertising in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sales of real or personal estate, made under any order of court or execution, in Jessamine county, where the amount of the judgment, exclusive of interest and cost, is one hundred and fifty dollars or more, shall be advertised in a newspaper published in said county, once a week, for such time as the court may direct preceding said sales.

§ 2. The account for publishing the notice required under this act shall be made and filed in the suit, with a copy of the advertisement attached, and an affidavit of the publisher stating that said publication was made as required in the order of court, which account shall be taxed as costs, and paid by the officer making said sales to the publisher of said newspaper above named.

§ 3. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1144.

AN ACT to incorporate the Kentucky and Rockport, Indiana, Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- § 1. That E. P. Taylor, A. C. Tompkins, Joe. Fuqua, D. M. McHenry, Joe. Lee, C. W. Bransford, R. W. Taylor, H. C. Herr, M. V. Menarck, J. H. Hickman, R. S. Triplett, R. H. Taylor, Jack Marks and J. H. Rudy, be, and they are hereby, created a body-politic and corporate, with perpetual succession, by the name of the Kentucky and Rockport, Indiana, Bridge Company; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; and shall have power of erecting and constructing a bridge across the Ohio river from some point at or near Iceland, in Daviess county, Kentucky, to such point on the Indiana shore at or near to Rockport, Indiana, as the said bridge company may select; said company shall have and use a common seal; they shall also have the power to purchase and hold as much real estate as will be necessary for the site for said bridge, the piers, abutments, toll-houses, and necessary and suitable avenues leading to the said bridge; also to borrow money not exceeding the capital stock mentioned in this act, and to receive the same on such terms as may be agreed upon; shall also have power to ordain and establish such by-laws, rules and regulations, which may be necessary for the well-being and government of said corporation: *Provided*, That the same shall not be contrary to the laws of the United States, this State, or the State of Indiana.
- § 2. That the capital stock of said company shall be one million (\$1,000,000) dollars, divided into shares of one hundred dollars each; and said corporators, or any five of them, shall have power and authority,
- Corporators.
- Corporate name.
- Powers.
- Location of bridge.
- Hold real estate.
- Borrow money.
- By-laws.
- Capital stock.
- Shares.

upon written notice, to be published in one or more papers in the city of Owensboro, Kentucky, and also in one or more papers published in Rockport, Indiana, to cause books to be opened at such time or Open books. times, and at such place or places, as they may agree upon, and cause said books to be kept open such length of time as they may prescribe, under the direction of such person or persons as they may designate: *Provided*, That they shall publish in some paper or papers published in the city of Owensboro, Kentucky, and town of Rockport, Indiana, the time and place where the books for the subscription of stock in said company shall be held; and if, at the end of such time, the whole amount of the capital stock shall not have been subscribed, the said corporators shall have power to order books to be opened at such other times and places, and may repeat the same as often as necessary, until the whole amount of stock herein authorized shall have been subscribed, giving such notice as they may deem reasonable: *Provided*, That any subscriptions to the capital stock of said company, made at any other time or at any other place, shall be so valid on the person or persons subscribing as if made in the mode and manner herein prescribed.

§ 3. That when three hundred thousand dollars shall When organize: have been subscribed to the capital stock of said company, and twenty-five per cent. of said subscriptions paid in, the persons authorized to open books, or a majority of them, shall advertise for a meeting of the stockholders in said company at Owensboro, Kentucky, giving ten days' notice of the time and place of such meeting by publication in some paper published in Owensboro, Kentucky; and the stockholders in said company shall proceed to elect a president and six directors, who shall be stockhold- Officers. ers in said company, and to elect or appoint such other officers or agents as they may deem necessary for the business of the corporation, and fix the salaries to be paid to the president, agents and such

other officers as they may deem entitled to receive salaries, and require such bonds of any of such officers, with security, and with such conditions as they may prescribe; at which meeting each stockholder shall be entitled to one vote for each share of stock he, she or they may own in said company; the stockholders may vote in person or by written proxy.

§ 4. The said company may extend a railway over said bridge, with as many sets of tracks as may be deemed expedient; and shall have the right to fix reasonable rates of tolls for passing over said bridge; and to collect the same from all and every person or persons passing thereon, and upon all vehicles and animals passing thereon, or carried thereon, of every kind and description; and for this purpose toll-gates may be erected at each or either end of said bridge; and the rates of toll shall be posted up in conspicuous places where toll is demanded.

*Condemnation.

§ 5. That should the capital stock of said company, as herein provided, prove insufficient for the purposes of this corporation, the board of directors shall have the right to increase the same to such an amount as will be required to fully carry out the purposes of this corporation. Individuals, companies and corporations created by the laws of this State, or any State of the United States, shall have the right to take stock in this corporation; and said corporation is authorized to make contracts with any railroad company in or out of this State relative to the building of the said bridge, and to make common cause with any railroad company in or out of this State; or to consolidate stock with any such railroad company, upon such terms as may be agreed upon; and the said company shall have the right to receive subscriptions to the capital stock of said company, in real and personal property, upon such terms as may be agreed upon, and to sell and convey all such property in as full and complete a manner as natural persons; and the said company shall have the right to issue bonds not ex-

ceeding one million of dollars, said bonds to be secured by mortgage upon the property of said company. Any real estate received or acquired by said company in payment of subscriptions not actually needed in the construction and operation of the bridge, shall be disposed of within five years after the date of receiving or acquiring the same, and work shall commence in good faith on said bridge within three years, and be completed within seven years after the approval of this act.

§ 6. That after the first election of a president and directors of said company, there shall be an annual election of a president and directors of said company, as herein provided, on the first Monday in May in each and every year thereafter, who shall hold their offices until their successors shall be elected and qualified ; and should the stockholders fail to elect a president and directors at the time herein provided for, the majority of the stockholders shall have the right to elect such officers at any other time they may agree upon, by giving twenty days' notice in some one or more papers published in Owensboro and Rockport, Indiana.

§ 7. This act shall take effect from and after its passage.

Approved April 18, 1888.

CHAPTER 1145.

AN ACT to amend an act, entitled " An act to incorporate the Cleveland Orphan Institution," approved March 17, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the "Cleveland Orphan Institution," located at Versailles, Woodford county, State of Kentucky, for the purpose of feeding, clothing and educating poor female children of this State, be, and the

same is hereby, authorized to loan the endowment fund or money of said institution on mortgage or other securities, at any rate of interest not to exceed eight per cent. per annum; and such rate of interest as to said institution shall be legal.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1888.

CHAPTER 1146.

AN ACT authorizing the trustees of common school district No. 31, in Clay county, to levy a tax to pay off the indebtedness.

WHEREAS, Hanibal Morgan was one of the trustees for common school district No. 31, in Clay county, for the year 1886, and the school-house having been condemned by the county superintendent, a vote of the district was taken for the purpose of levying a tax to repair the school-house, and when the amount had been judicially spent, the school-house was only partly completed; whereupon Morgan, as one of the trustees, had the school-house completed at his individual expense, and when the time came again for voting a tax to pay back the amount spent by Morgan, the voters of said district refused to vote a tax for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district No. 31, in Clay county, be, and they are hereby, empowered to levy a tax on said district sufficient to raise seventeen dollars and fifty cents; and they are further directed to pay that amount when collected to said Morgan.

§ 2. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1147.

AN ACT to amend an act, entitled "An act to establish a system of graded public schools in the town of Greenup, Greenup county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the south-western boundary line of school district No. 4, in Greenup county, be, and is hereby, so changed as to include and embrace the houses and lands of Milton Hodge, D. J. McCoy and J. L. Worthington.

§ 2. This act shall take effect from its passage.

Approved April 18, 1888.

CHAPTER 1149.

AN ACT to incorporate the Richmond Water-Works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. Stone Walker, Geo. W. Evans, John C. Chenault, F. H. Adair, Samuel H. Stone, M. C. Heath, J. A. Sullivan, and their successors, are hereby made and declared a body-corporate, by the name of the Richmond Water-Works Company, with power and authority to contract and be contracted with, sue and be sued, by the corporate name ; to have and use a common seal, and change it at pleasure ; and to conduct and maintain within the city of Richmond, Kentucky, or within any distance convenient or suitable therefor, such reservoirs, pools, aqueducts, mains, pipes, wells, engines, and other machinery, apparatus, and other structures, as may be necessary or useful for the purpose of supplying the city of Richmond, Kentucky, and its inhabitants with water.

Names of incorporators and corporate powers.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one

Capital stock.

hundred dollars each. The capital stock of said company may be increased to not more than five hundred thousand dollars, by a majority vote of all the stock of the said company, to be cast at a meeting of the stockholders called for that purpose, of which meeting sixty days' notice in writing shall be given by the board of directors to each stockholder, designating the time, place and purpose of said meeting. The incorporators may open books for subscription to the capital stock of said company, at such times and places as they may deem proper, and close and reopen said books for subscriptions aforesaid as they may deem for the best interest of said company. When ten thousand dollars of said capital stock shall have been subscribed, the company may organize and commence business. Payment of subscriptions for said capital stock shall be made at such times and in such ways as the incorporators or board of directors of said company, when elected, may determine upon.

Issue of mortgage
bonds.

§ 3. Said company may issue mortgage bonds, having not more than twenty years to run, bearing not more than six per cent. interest per annum, payable semi-annually, and may execute a mortgage or mortgages upon any lands, property, franchises, or water rents belonging to said company to secure said bonds and the interest thereon; but the amount of said mortgage bonds shall not exceed in their par aggregate the capital stock of the company.

Exemption of
private property.

§ 4. The private or individual property of the stockholders, including the original incorporators, shall not be liable for the debts or liabilities of said company.

Stock how held.

§ 5. The stock of said company shall be held to be personal property, and shall be transferable only upon the books of the corporation. Any person wishing to retire from said company may do so by the sale and transfer of his stock in the manner provided; but no stockholder shall have the right to demand or obtain a division of the corporate property.

§ 6. The affairs of the company shall be controlled

by six directors and a president, all of whom shall be ^{Management of} stockholders of the company; and a majority of the ^{affairs.} directors shall be residents of Richmond, Kentucky. The directors and president shall be chosen annually, by vote of the stockholders, at such time and place as may be provided by the by-laws of the company. The board may fill vacancies occurring on same, and may appoint such officers and agents as the business of the company may require. The president and directors shall hold their offices until their successors are elected and qualified; and a majority of the said board shall constitute a quorum to transact business. At all elections of president and directors, or stockholders' meetings, the stockholders may vote in person or by proxy duly authorized in writing; and each share of stock, upon which the regular calls and assessments have paid, shall be entitled to one vote. The president and board of directors, or a majority of them, constituting a quorum, shall have power to make, alter and amend by-laws, to regulate the management and affairs of the corporation, and to fulfill the purposes of its institution.

§ 7. Said company may purchase, take and hold in ^{Class of business} fee-simple, or for any less estate, any lands necessary for the objects and purposes of said company, and for the convenient management of its concerns; and may acquire the right to lay their pipes and aqueducts through any land or lot where it may be necessary to lay the same; and may erect, establish and maintain such buildings, machinery, engines, reservoirs and the like as may be necessary or convenient for the purposes aforesaid; may purchase, lease or otherwise acquire the use and control of such springs, brooks or wells as may be necessary or convenient for the purposes of said company; and may take water from the Kentucky river, or any other stream or source, for all the purposes of said company; it may acquire title to property by gift, devise or purchase. If the owners or proprietors of any lands or material which

the company may need for the purposes aforesaid, or the right of way through which the company may require for laying its pipes and aqueducts, and other machinery and apparatus, do not agree with the company the price to be paid therefor, the company may acquire such land or right of way by writ of *ad quod damnum*, in the same way and manner that railroad and turnpike companies are authorized to do by an act approved April 11, 1882, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies."

Reservoirs,
pipes, etc.

§ 8. The said company is hereby authorized to collect the water from springs, wells, creeks, the Kentucky river, or any other stream or source, into one or more reservoirs, and may lay pipes or aqueducts under or over any public way, road, street or railroad; but the same shall be done in such manner as not to obstruct or impede passage thereon. In laying the pipes or aqueducts across or along any public way, street or road, or in repairing the same from time to time, said company shall not unnecessarily obstruct such public way, road or street, and shall put the same in as good condition as before the removal or excavation.

Constructing and
laying of pipes.

§ 9. In laying or constructing pipes or aqueducts in the city of Richmond, Kentucky, the same shall be done with especial reference to the furnishing of an abundant supply of water for the extinguishment of fires; and the company shall furnish water to the corporate authorities of the said city for the use of its fire department, and for cleaning streets and other public purposes, upon such terms as may be agreed upon by said company through its president and board of directors and the mayor and city council of said city; and said company shall have the exclusive right to furnish water by pipes, reservoirs or aqueducts to the city of Richmond and the inhabitants thereof within its present and future limits, upon such terms as may be agreed upon.

§ 10. The company is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any individual or corporation; and said company may make all reasonable rules and regulations as to the manner and times when such water may be used. May sell privileges.

§ 11. The city of Richmond may subscribe to the capital stock of said company in such amount as the directors may agree to accept, and issue the bonds of the city to pay for the stock so subscribed, the bonds not to run exceeding twenty years, and to bear interest not exceeding six per cent. per annum, payable semi-annually, and levy and collect a tax sufficient to pay the interest on the bonds, the tax to be levied and collected as the regular annual tax assessed and collected for ordinary city purposes; but the tax shall be in addition to the ordinary revenue: *Provided*, That no such subscription shall be made by the corporate authorities of Richmond, Kentucky, until the question of such subscription shall have first been submitted to a vote of the qualified voters of said city, and authorized by a majority of the voters voting upon said question at an election held for that purpose, in pursuance of an order of the city council fixing the time and place of holding such election, and the manner of conducting the same, and of which election thirty days' notice shall be given by four publications in some newspaper published in said city. City may subscribe to capital stock.

§ 12. If any person shall willfully and maliciously defile, corrupt or make impure any water used by said company, or willfully injure or destroy any pipe, aqueduct, reservoir, fountain, building or machinery belonging to said company, such person shall be liable in a civil action to said company for double the amount of damages caused thereby, to be recovered in any court having jurisdiction, and shall further be liable to the criminal law of the State regulating such offenses. Penalty for corrupting water, etc.

§ 13. The company may appoint one or more watchmen to care for and protect its property, who shall have the same power, when on duty, as policemen to protect said property and preserve order.

§ 14. The mayor and city council of Richmond shall have power to pass and enact such ordinances as may be necessary or proper to protect the property of the company hereby incorporated.

§ 15. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1150.

AN ACT to authorize and enable the West Virginia and Ironton Railroad Company to locate, construct, and operate part or parts of its lines within the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the West Virginia and Ironton Railroad Company, a corporation incorporated under the laws of the State of West Virginia, be, and hereby is, authorized to locate, construct, and operate, within the State of Kentucky, and across the Big Sandy river or any fork thereof, such part or parts of its line as it may find necessary to locate, construct and operate, within the State of Kentucky, in the vicinity of, or along the Big Sandy river, or any fork thereof, and also such branch roads, not exceeding twenty miles each in length, as may be necessary to enable it to connect with any line of railroad now or hereafter constructed, or with any mining, manufacturing or lumber operations in the State of Kentucky ; and for the purposes of this act the said company shall have the same right to acquire, by purchase or condemnation, lands for the right of way and stations in the

State which the general laws of this State grant to railroad corporations of this State: *Provided*, That said company shall begin the locating and construction of such part or parts of its main line as shall be in this State within two years, and complete the same within five years from the passage of this act.

§ 2. The said company shall have and exercise such rights, powers and privileges, not inconsistent with the laws of this State, as may be required to locate, construct and operate such part or parts of its line in this State, and shall be subject to all the obligations and regulations of the general railroad laws of this State so far as they are applicable.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1151.

AN ACT to amend an act to extend the boundary of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the southern line of the city limits of Louisville be extended so as to embrace the following territory: Beginning on the west side of the Salt River Turnpike Road, where the present city limits cross the same; thence with the west line of said road southwardly to a point where the south line of Burnett avenue extended would strike; thence with the south line of Burnett avenue extended, east to the present city boundary, which is two hundred and ten feet west of Seventh street.

§ 2. This act shall be in force from its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1152.

AN ACT to incorporate the Paducah, Hickman and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thos. H. Hayes, John M. Nichols, Hugh Mulholland, Jr., J. M. Bigger, James Montgomery, Isaac Stevens, James Ringo, C. L. Randle, Newton Johnson, Henry Kremer, Chas. Reed, Henry H. Henson, Thomas H. Suryeir, T. L. Glenn, and James B. Quigly, with their associates, successors and assigns, are constituted a body-corporate, under the name and style of the Paducah, Hickman and Southern Railroad Company, with power to contract and be contracted with, sue and be sued, in all the limits of this State and elsewhere ; to have and use a common seal, with power to alter and change the same at pleasure ; to make such by-laws, rules and regulations, as may be deemed necessary or proper for its government, not in conflict with the laws of the United States or the State of Kentucky ; and with full power to carry into complete effect all powers granted in this act, and to carry out and execute the purposes of this act. Said Paducah, Hickman and Southern Railroad Company is vested with perpetual succession ; any three of the persons named in this act have the power, by giving ten days' notice, in some newspaper printed or published in the city of Paducah, Kentucky, to open books and receive subscriptions to the capital stock of the Paducah, Hickman and Southern Railroad Company, upon such terms and conditions as they may prescribe ; and when the sum of one hundred thousand dollars or more shall have been subscribed to the capital stock of said railroad company, to order the books closed ; and on three days' notice, given in some newspaper printed in the city of Paducah, Kentucky, signed by any three

Names of incorporators and corporate powers

of the subscribing stockholders, a meeting of the stockholders of said Paducah, Hickman and Southern Railroad Company may be called, at such time and place as they may agree upon, to elect a board of directors and organize said company; and after its organization the board of directors may reopen books for the subscription of the unsubscribed stock, as often as may be thought necessary, until the whole amount of capital stock authorized by this act is taken; or the said board of directors of said company may dispose of the unsubscribed stock of said company in such way, and on such terms and conditions, and at such price, as in the judgment of said board of directors as will insure the construction and complete equipment of said Paducah, Hickman and Southern Railroad Company.

§ 2. The capital stock of said Paducah, Hickman and Southern Railroad Company shall be two millions of dollars, or such greater sum as may be used by the directors of said company in its construction and equipment, divided into shares of one hundred dollars each, and may be transferred on the books of the company in such manner as the directors may prescribe. The Paducah, Hickman and Southern Railroad Company may construct, equip and operate a standard gauge road from the city of Paducah to Hickman, Kentucky, through the counties of McCracken, Carlisle, Hickman and Fulton, in as near a straight line as is practicable to the city of Hickman, on the Mississippi river, and to any point on the Mississippi river, and to any point in the State of Tennessee, on any line west of the Tennessee river, with single, double or treble tracks, upon such route as it may select west of the Tennessee river, or construct transfers for the passage of trains over and across said rivers. It may purchase, or receive by gift or donation, any property, real or personal, or the right of way on which to construct its road, not exceeding one hundred feet wide; but all land and other thing neces-

Capital stock and
route of road.

sary for the construction of its said road shall be condemned under the general law of the State of Kentucky. It may acquire land upon which to erect its depots, side-tracks, offices or any other structure, and construct thereon depots, side-tracks, offices or structures deemed necessary or proper for said company, and the land or material may be donated to said company for these purposes. Said company, by its officers, employes and agents, may enter upon, survey and lay out its track or tracks over any lands between the city of Paducah, Kentucky, and the point or points which shall be fixed by the board of directors for the terminus or termini of said road. It may connect or make running arrangements, or consolidate with any other railroad in or out of this State. It may construct its road to any bridge or transfer across the Ohio river, at or near Paducah, Kentucky, and may make joint or other running arrangements, or may make division of freight or passage with any railroad company operating a railroad or railroads at said points. It may construct, operate and maintain any branch or branches of railroad from the main line or track, or any branch or branches of railroad from any branch railroad to any point in the State of Kentucky west of the Tennessee river as the directors may deem proper, under the same terms, conditions, rights and privileges as are provided herein in the construction of the main line of track or tracks.

Issue of bonds.

§ 3. The Paducah, Hickman and Southern Railroad Company may issue its negotiable bonds in such amounts, payable at such time at some banking-house or trust company in the city of New York as may be agreed upon; the bonds to bear any rate of interest not exceeding six per centum per annum, payable semi-annually, with coupons attached; said bonds to be signed by the president and secretary of said company, with seal of the company; the coupons to be signed by the secretary of said company in any

amount, in the discretion of the directors, not exceeding two millions of dollars, and may secure the payment of such bonds with coupons by deed of trust on its road and all its property and franchises.

§ 4. Any county, city, town or civil district into or through which it is proposed to construct said County, city, etc.,
subscription, and
how made. Paducah, Hickman and Southern Railroad Company, may subscribe to the capital stock of said company any amount not exceeding one hundred thousand dollars, on such terms and conditions as may be agreed on between said railroad company and any such county, city, town or civil district, and pay the same at par in the negotiable bonds of any such county, city, town or civil district subscribing to the stock of said company; the bonds to bear any rate of interest, not exceeding six per cent. per annum, payable semi-annually at some trust company in the city of New York, with coupons attached to represent the interest; said bonds to be in amount one thousand dollars each, and payable such time as may be agreed upon; all said bonds to be made payable to bearer. But no such subscription shall be valid and binding unless the question of subscribing stock may, in the discretion of the county judge and a majority of other justices of the peace in any county, and in like manner by the council of any city and trustees of any town, and when by a civil district of any county, by the county judge and justices of the peace of any such civil district, be submitted to the legal and qualified voters of any such county, city, town or civil district, at a general or special election, after giving thirty days' notice, and voted in favor of by a majority of all the qualified voters of any such county, city, town or civil district voting on the question of subscribing stock at any such general or special election to said company. In case the matter of subscribing stock is by a county, the question may be submitted to a vote by the county judge, with the concurrence of a majority of the justices of the peace of

sary for the construction of its said road shall be condemned under the general law of the State of Kentucky. It may acquire land upon which to erect its depots, side-tracks, offices or any other structure, and construct thereon depots, side-tracks, offices or structures deemed necessary or proper for said company, and the land or material may be donated to said company for these purposes. Said company, by its officers, employes and agents, may enter upon, survey and lay out its track or tracks over any lands between the city of Paducah, Kentucky, and the point or points which shall be fixed by the board of directors for the terminus or termini of said road. It may connect or make running arrangements, or consolidate with any other railroad in or out of this State. It may construct its road to any bridge or transfer across the Ohio river, at or near Paducah, Kentucky, and may make joint or other running arrangements, or may make division of freight or passage with any railroad company operating a railroad or railroads at said points. It may construct, operate and maintain any branch or branches of railroad from the main line or track, or any branch or branches of railroad from any branch railroad to any point in the State of Kentucky west of the Tennessee river as the directors may deem proper, under the same terms, conditions, rights and privileges as are provided herein in the construction of the main line of track or tracks.

§ 3. The Paducah, Hickman and Southern Railroad Company may issue its negotiable bonds in such amounts, payable at such time at some banking-house or trust company in the city of New York as may be agreed upon; the bonds to bear any rate of interest not exceeding six per centum per annum, payable semi-annually, with coupons attached; said bonds to be signed by the president and secretary of said company, with seal of the company; the coupons to be signed by the secretary of said company in any

Issue of bond.

amount, in the discretion of the directors, not exceeding two millions of dollars, and may secure the payment of such bonds with coupons by deed of trust on its road and all its property and franchises.

§ 4. Any county, city, town or civil district into County, city, etc.,
subscription, and
how made. or through which it is proposed to construct said Paducah, Hickman and Southern Railroad Company, may subscribe to the capital stock of said company any amount not exceeding one hundred thousand dollars, on such terms and conditions as may be agreed on between said railroad company and any such county, city, town or civil district, and pay the same at par in the negotiable bonds of any such county, city, town or civil district subscribing to the stock of said company; the bonds to bear any rate of interest, not exceeding six per cent. per annum, payable semi-annually at some trust company in the city of New York, with coupons attached to represent the interest; said bonds to be in amount one thousand dollars each, and payable such time as may be agreed upon; all said bonds to be made payable to bearer. But no such subscription shall be valid and binding unless the question of subscribing stock may, in the discretion of the county judge and a majority of other justices of the peace in any county, and in like manner by the council of any city and trustees of any town, and when by a civil district of any county, by the county judge and justices of the peace of any such civil district, be submitted to the legal and qualified voters of any such county, city, town or civil district, at a general or special election, after giving thirty days' notice, and voted in favor of by a majority of all the qualified voters of any such county, city, town or civil district voting on the question of subscribing stock at any such general or special election to said company. In case the matter of subscribing stock is by a county, the question may be submitted to a vote by the county judge, with the concurrence of a majority of the justices of the peace of

such county ; in case of a city, by the council of any such city ; in case of a town, by the trustees of any such town, and in case of a civil district in any county, by the county judge of any county in which the civil district is situated ; the vote of any county, city or town to be taken at the place provided by law ; and in the event none are so provided, then the county judge of any county, the council of any city, and trustees of any town, shall fix the places ; and when in any civil district, the county judge of the county in which any such civil district is situated, shall fix the voting place. The officers of any county, city or town, who compare the polls in any county, city or town elections, shall compare the polls and certify the result of any and all elections under this act ; and in case of civil districts, the vote shall be counted and certified by the judge of the county court in which the civil district is situated. In case any county shall subscribe to the capital stock of said railroad company under this act, the judge of any such county shall have the bonds issued and delivered to said railroad company ; in case of any city, the mayor of such city shall have the bonds issued and delivered to said railroad company ; in case of any town, the trustees of such town shall have the bonds issued and delivered to said railroad company. All bonds issued under this act by any county shall be signed by the county judge and clerk of such county, with the seal of the county ; but the coupons shall be signed by the clerk of such county. All bonds issued by any city shall be signed by the mayor and clerk of such city, with the seal of the city affixed ; but the coupons shall be signed by the clerk of such city. All bonds issued by any town shall be signed by the chairman of the board of trustees and clerk of such town, under seal of such town ; but the coupons shall be signed by the clerk of such town. All bonds issued by any civil district in any county, shall be signed by the county judge and county clerk of the

county in which such civil district is situated, with the seal of the county; but the coupons shall be signed by such county clerk: *Provided*, That no bonds for subscription of stock under this act shall be issued until this railroad is completed and approved through the county, city, town or civil district making such stock subscription to said railroad.

§ 5. The affairs of the Paducah, Hickman and Southern Railroad Company shall be managed and controlled by a board of seven directors, to be elected on the first Monday of January of each year from among the stockholders after the first election of directors under this act, who shall hold their respective offices for one year, and until their respective successors are elected and qualified. Said board of directors shall, from its members, elect a president and vice-president and an executive committee, to consist of the president and three directors; and said executive committee, when the board of directors is not in session, exercise all the powers and possess all the rights as the president and board of directors of said company when in session; and said executive committee may be called together at the will of the president of the company. The board of directors shall also elect a secretary, a treasurer, attorney, and such other officers and agents as may be necessary, convenient or proper in the management of its business, and may require bonds from any or all such officers or agents, and prescribe the conditions of any and all such bonds, and the terms and conditions of employment.

Management by
board of directors.

§ 6. The Paducah, Hickman and Southern Railroad Company is vested with power to subscribe stock, or make any contracts it may wish, with the Paducah and Illinois Bridge Company in regard to the construction of a bridge across the Ohio river at or near Paducah, the passage of its locomotives and cars over such bridge, or any other matter or thing connected with said bridge.

Stock in other
roads.

Levy of tax
under subscrip-
tion voted.

§ 7. In case any county shall subscribe to the capital stock of said railroad company under this act, it is made the duty of the county court of such county so subscribing to levy annually a tax on the tax-payers of the county on all property liable to taxation under the revenue laws of this State, sufficient to pay the interest on its bonds as the same matures, with the costs of collecting the tax, and to appoint a collector and have said tax collected and applied to the payment of the interest on its bonds as the same matures; and when the bonds of the county become due and payable, in like manner to levy and have collected a tax to pay said bonds and the cost of collecting said tax. If any civil district in any county shall subscribe to the capital stock of said railroad company, then the county court in which such subscription is made by any civil district, shall make a like levy, and have it collected and paid in like manner; but the levies shall be confined to the tax-payers and property within such civil district. In the event any city subscribes to the capital stock of said railroad company under this act, the council of such city shall cause to be levied and collected a like tax on the tax-payers of such city and applied in like manner. In the event any town subscribes to the capital stock of said railroad company under this act, then the trustees of such town are required to levy, appoint a collector, and collect from the tax-payers and taxable property of such town a like tax and for a like purpose, and which shall be by them so applied. If, after paying the interest on the bonds of any county, city, town or civil district issued under this act, there shall remain a surplus in the hands of any collector for any one or more years, it is hereby made the duty of the county judge of any county, or civil district of any county, the council of any city, or the trustees of any town, to apply such surplus to the payment of any outstanding bonds of such county, city, town or civil district, as may be determined on. Any county, civil

district, city or town, if it shall be thought best, may levy and collect from the tax-payers of any county, civil district or town, in addition to the tax herein authorized, an additional tax to create a sinking fund to pay said bonds, or any number thereof, before maturity: *Provided*, That the work of construction of said railroad shall be commenced within two years in good faith, and shall be completed to the city of Hickman from Paducah within five years: *Provided*, That the work of constructing said line of railroad shall be commenced in two years, and the line of railroad from Paducah to Hickman completed in five years: *And provided further*, That no bonds shall be fixed by any county, city, town or civil district until the line of railroad is completed and cars running thereon through the county, city, town or civil district subscribing to the capital stock of said railroad; and upon a failure of said railroad company to comply with either of these conditions, all the chartered rights of the company shall be forfeited.

§ 8. This act shall take effect from its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1153.

AN ACT for the benefit of Ruth E. Smith, of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ruth E. Smith, of Wayne county, now in the twentieth year of her age, be relieved of the disability of infancy, and empowered to join her husband, Henry F. Smith, in a conveyance of her real estate, with the same effect as if she were over twenty-one years of age at the time of said conveyance.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1154.

AN ACT for the benefit of John D. Calvert, late sheriff of Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John D. Calvert, late sheriff of Allen county, and Thomas N. Bradburn, as his deputy, be, and they are hereby, allowed the further time of two years, from and after the passage of this act, in which to collect all arrearages of taxes, fee-bills and county levies and poll-taxes which are in their hands, or in the hands of either of them, or which remains uncollected and due said Calvert for the years 1881, 1882, 1883, and 1884; and they are, or either of them is, hereby invested with power to levy and distrain for same as now prescribed by law in such cases; and they are hereby authorized and allowed to place said taxes and fee-bills in the hands of any sheriff, deputy sheriff, or constable of said county for collection, at any time within the period aforesaid, subject, however, to all the pains and penalties now provided by law in relation to the collection of illegal fee-bills and arrears of taxes.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1155.

AN ACT to amend an act, entitled "An act to incorporate the Kenton Savings Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of the act to which this is an amendment be, and the same is hereby, amended by

striking therefrom the names "Max. Herbert, John L. Sandford and John O. Richards," and inserting in lieu thereof the names "O. J. Wiggins, H. B. Wells and Charles McDonald."

§ 2. That section 26 of said act be, and the same is hereby, amended by striking out and repealing the last five lines thereof, beginning with the word "provided."

§ 3. This act shall take effect from the day of its passage.

[Became a law without approval of Governor April 19, 1888.]

CHAPTER 1156.

AN ACT to amend an act, entitled "An act to provide for a vote upon the question of the sale of intoxicating liquors in the county of Garrard," which became a law April 9, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Amend said act by striking out section two of same, and insert the following in lieu thereof: "This act shall not apply to distillers or wholesale dealers, who sell in unbroken packages of not less than (10) ten gallons, or the procuring or use of wine for sacramental purposes, or to a regular resident practicing physician, who, in good faith, prescribes intoxicants as a medicine to his patient or patients; or to persons, who give or furnish spirituous, vinous, or malt liquors to any member or members of their own family, or their guests at their own household."

§ 2. Amend section (7) seven by adding the following: "If a majority of the votes cast shall be in favor of the sale of liquors in the county, then this act shall not be so construed as to affect or change the law at any place where the sale of liquors is now prohibited in said county by special acts of the Legislature."

§ 3. This act shall take effect and be enforced from and after its passage.

Approved April 19, 1888.

CHAPTER 1158.

AN ACT to amend chapter 974 of the Acts of the General Assembly, approved May 7, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the city of Hawesville in relation to schools," approved May 7, 1886, be, and the same is hereby, amended by inserting in the third line of section 1 thereof, after the word "licenses," and before the word "set," the words "fines and forfeitures."

§ 2. This act shall be in force from its passage.

Approved April 19, 1888.

CHAPTER 1159.

AN ACT to create a board of commissioners for Pike county, prescribing their duties, and to authorize said commissioners to issue the bonds of said county, and to provide certain books for said commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be, and is hereby, established
 Corporate name. in Pike county a tribunal to be styled the "Board of
 Commissioners for Pike County," which shall consist
 Election. of three members, to be elected by the qualified
 voters of Pike county on the first Monday in August,
 1888. The comparison of the votes and certificates of
 election shall be by the same board of officers appointed
 by law for that of county judge. After the first
 election the persons first elected shall, on the first
 Monday in succeeding the election, meet at the court-house
 in the town of Pikeville, when they shall qualify and
 enter upon the duties of their office as herein imposed
 upon them.

§ 2. The term of office of said commissioners shall Terms of office. be one for one year, one for two years, and one for three years, and at their first meeting they shall determine by lot which shall serve for the respective terms; and at each succeeding August election thereafter there shall be one commissioner elected, whose term of office shall be three years, to take the place of the one whose term of office shall expire; and if at any time a vacancy shall occur, the county judge shall Vacancy. fill said vacancy by appointment until the next August election, when one shall be elected to fill said vacancy.

§ 3. The said board of commissioners elected herein shall hold their meeting on the second Monday of September. The said commissioners, as herein provided, before acting as such, shall be sworn (in addition to the constitutional oath) to faithfully perform the duties of said office as herein set forth, and each shall execute, before the Pike county court, a bond to the county of Pike, in a sum not less than ten thousand dollars each, with solvent surety, conditioned for the faithful performance of the duties as commissioners under this act. At the first meeting of the said board of commissioners they shall appoint a treasurer for Pike county, whose term of office shall be for twelve months, and until his successor is elected and qualified, and annually thereafter, on the second Monday in September of each year, said commissioners shall elect a county treasurer.

§ 4. The treasurer shall have the custody and hold Treasurer. all moneys belonging to said county, subject to disbursement as herein set forth, and shall execute bond to the county of Pike in a sum not less than twenty thousand dollars, with two or more sureties, in the aggregate worth, in real estate, double the amount of said bond, over and above all indebtedness and exemptions from execution, conditioned for the safe-keeping and disbursing of all money coming to his

hands, and for the faithful performance of his duties as treasurer aforesaid; and further, he shall be sworn to a faithful performance of his duties as such treasurer; said bond to be approved by the county judge of said county, and attested by the county clerk, and by him recorded with the proceedings of said board of commissioners, and safely kept in the county clerk's office. The county judge shall require additional bond and sureties when he may deem it necessary, and shall do so when said treasurer has, or is about to have, a greater amount of money belonging to said county in his hands than is perfectly secured by his former bond. The original bond, as herein contemplated, shall be filed in the county court clerk's office, and suit may be brought on same from time to time, by and in the name of Pike county, or any person injured by any breach of said bond, in any of the courts of Pike county having jurisdiction of the sum claimed in said suit. The treasurer shall receive a reasonable allowance for his services as treasurer, to be fixed and allowed by the board of commissioners, payable out of the county levy.

County judge.

§ 5. The county judge shall be *ex officio* a member of the board of commissioners. He shall attend all the meetings of said board, and by virtue of his office shall preside as chairman of said board, and as such shall sign all the orders and records of their proceedings. He shall not vote on any question pending before said board, except in case of a tie vote; he shall then give the casting vote; and in the absence of the county judge, or upon his failure, for any cause, to be present and so preside at any meeting of said board of commissioners, they shall then select one of their number to preside as chairman *pro tem.*, who shall perform the same services and exercise the same power and authority to the same extent as the county judge would if he were present.

§ 6. The county clerk shall be the clerk of the board

of county commissioners, and under the orders thereof County clerk. shall procure all the record books, in which he shall keep a full and detail record of all proceedings of any Keep records. and all meetings of any or all of said commissioners; and he shall keep said books fully and carefully indexed and preserved among the records of Pike county, at the clerk's office in said county.

§ 7. All meetings of said board shall be held at Meetings. the court-house in Pikeville, the regular meetings of which (after their organization) shall be on the second Mondays in September, December, March, and June in each year. The county judge may call an extra session of said board on his own motion, or upon the application of two of said commissioners. At all of such meetings at least two of said commissioners, together with the county judge, shall be present to form a quorum. In the absence of the county Constitute quorum. judge, all of said commissioners must be present to form a quorum to do business. The said sessions of Time of session. said commissioners shall not continue longer than six days at each quarterly session.

§ 8. Contested elections of said commissioners shall Election. be tried and decided in the same manner and by the same board as is authorized by law for those of county judge.

§ 9. The per diem of the board of commissioners Per diem. shall not exceed three dollars each per day, necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county fund.

§ 10. The sheriff shall, by himself or deputy, attend Duty of sheriff. on said board, and execute all its summons and orders required to be executed, and shall be allowed fees therefor as now allowed by law for such services in the county court, which shall be paid out of the county fund.

§ 11. The said board of commissioners shall have Board of commissioners power to transact business exclusive original jurisdiction in the same manner and to the full extent and authority to exercise all of the powers and transact any and all business heretofore

transacted by the court of claims, or that may hereafter be given by general enactment to the court of claims in this Commonwealth; and shall be governed by and subject to the same laws and penalties when not otherwise provided for in this act; and all acts or parts of acts creating a court of claims, applicable to the county of Pike, are hereby repealed and held for naught, so far as they apply to the county of Pike, to take effect as soon as said commissioners named and hereafter elected shall qualify.

Duty of commissioners.

§ 12. It shall be the special duty of the said board of commissioners to take charge of the county buildings and property of every description, also all the county roads and bridges in said county, and preserve the same from waste; and when it is necessary to build or repair, or in any way improve, any of said buildings or property belonging to said county, or to build or repair any bridge and the approaches thereto, on any county road, which shall require a sum of money to do the same, said commissioners shall immediately cause the erection of all such buildings, bridges, approaches or repairs thereon, as may be necessary, at the expense of the county.

Paying debts, etc.

§ 13. For the purpose of carrying out the objects set forth in this act, and for the purpose of paying any indebtedness of said county that is now due, or hereafter to become due, and for the purpose of erecting, remodeling or repairing any public buildings or bridges, and other necessary improvements for said county, the said commissioners are hereby authorized and empowered to issue the bonds of said county, in amount not exceeding twenty-five thousand dollars, and to borrow such sums of money to accomplish such purpose. Said bonds so issued shall have coupons attached, and shall bear interest at a rate not greater than six per cent. per annum; such interest to be paid annually or semi-annually as agreed upon and set forth in said bonds, the said commissioners drawing their order upon the treasurer of said county for

the same, and the treasurer shall pay the same out of any funds in his hands subject to said order. Said bonds shall be negotiable and payable to bearer, and shall not be issued and sold for less than par, and they shall not bear interest until they are issued and the county has value received.

§ 14. The bonds so issued shall be signed by the county judge and commissioners, or any two of said commissioners, and countersigned by the county clerk, under the seal of said county court, in sums not less than fifty dollars nor more than one thousand dollars each, and to become due and payable at any time within five, ten, fifteen or thirty years from their date, the coupons being signed by the county clerk alone; and each of the said bonds shall distinctly specify the object for which they were issued. All bonds issued under this act shall be correctly numbered in the order in which they are issued, and registered by the county clerk by him in a book provided and kept for that purpose in the county clerk's office at Pikeville; and all orders drawn upon the treasurer for the payment of the principal or interest of said bonds shall specify the fund on which they are drawn, and shall also be recorded in said book; and when the clerk shall deliver to the holder of any such bond an order on the treasurer for the final redemption of same, he shall receive such bond, and forthwith write across the face of the same, in red ink, the words "Redeemed," and date the same, and sign his name thereto. The treasurer, upon receiving such order, which shall contain the number of the bond for the redemption of which the order was drawn, shall, within three days, proceed to the clerk's office, and there, in the presence of said clerk, write in red ink across the face of the registry of said bond the word "Redeemed," the proper date, sign his name thereto, when the clerk shall deliver to him the original bond duly canceled, for which, together with all orders he has paid for interest, he shall be credited in his settlement with said

Bond to be
signed by county
judge.

commissioners, which shall be made semi-annual. All orders drawn upon the treasurer by the commissioners shall be registered by said clerk before he shall countersign the same; and it is especially provided that the outstanding indebtedness of Pike county shall not, in any event, exceed the sum of thirty thousand dollars at any one time.

Debt not to exceed.

§ 15. The board of commissioners shall, at the time they make the annual appropriations for the current expenses of the county, set apart and appropriate such additional amount as will pay the interest on all bonds issued, and so much of the principal as they may believe the county able to pay without being burdensome; which sum shall be sacredly held and applied to the payment of the bonded indebtedness of Pike county and to the interest, and to no other purpose.

Pay interest on bonds.

§ 16. The board of commissioners may, in their discretion, if they deem it necessary, annually appropriate the sum of two thousand dollars, payable out of the county funds, for the purpose of grading, graveling, building or repairing bridges or public roads in Pike county; the said board shall have full power to direct upon what particular road or roads the money thus appropriated shall be expended; they may cause the entire sum of two thousand dollars to be expended upon any one road in said county in one year, and in that event that road shall not receive any further appropriation until some other road in Pike county shall have an equal amount. The said board of commissioners may, in making all appropriations for the improvements of the public roads in said county, be governed therein according to the amount of money raised by private subscription and donated as a bonus by the citizens along the lines of the road asking for the appropriations, always making the preference to that line of road donating the largest amount of money or property per mile of said road.

Annually appropriate.

§ 17. That in the event said board of commissioners

should not deem it necessary or proper to make the appropriations of the sum of two thousand dollars for the purpose of improving the public roads of Pike county, as provided in section sixteen of this act, and thereby discontinue the appropriation for such improvement, then said commissioners may appropriate said sum of two thousand dollars provided for in the fifteenth section of this act, which sums together shall be applied for the purpose of paying off the bonded debt of Pike county, and shall not be used for any purpose whatever until the bonded debt, with its interest, of said county, is fully discharged.

Improving public roads.

Paying off bonded debt.

§ 18. The board of commissioners may, at the time they make the appropriations of the ordinary expenses of the county, and after the bonded indebtedness of the county has all been paid off in full, appropriate the further sum of two thousand dollars, in addition to the amount set apart in section sixteen of this act, and shall be governed in the distribution of the appropriation made among the several roads in said county for such improvements in the mode and manner therein provided.

Further appropriation.

§ 19 And to provide for the payment of the indebtedness of Pike county and interest thereon, and any bonds that may hereafter be issued in pursuance of this act for any of the purposes herein named, and to further provide for the payment of all appropriations made by the board of commissioners of Pike county for the ordinary expenses of said county, and appropriations for county purposes, the board of commissioners of Pike county, a majority of said commissioners being present and concurring therein, be, and they are hereby, authorized and empowered to levy an ad valorem tax on all real and personal property in Pike county which is assessed and subject to State taxation, or may hereafter be subject to State taxation for revenue purposes. The tax herein authorized shall be levied by said board at their September meeting, from year to year, in any sum they

Levy ad valorem tax.

deem necessary for the purposes named in this act, not to exceed fifty cents on each one hundred dollars' worth in value of the taxable property in said county in any one year. The board of commissioners shall annually, at the time they shall levy other taxes, impose or levy a capitation tax, in any sum not exceeding three dollars, upon each male citizen of Pike county over twenty-one years of age, to be used for county purposes.

§ 20. The sheriff of Pike county is hereby required and empowered to collect and account for all tax, of whatever description, that may be levied by the board of commissioners for said county under the provisions of this act, in the same manner that the State revenue taxes are now collected and accounted for by law. He shall have the same right to distrain and sell property therefor, and shall pay over to the treasurer of said board of commissioners all moneys thus collected, or in any way belonging to said county, which money shall be kept and held by said treasurer subject to the order of said board of commissioners, signed by the county court clerk, which said treasurer shall pay upon proper vouchers and orders to the person entitled thereto, for which said treasurer shall receive a credit in his semi-annual settlement with said board, all of which vouchers shall be numbered and registered in a book kept for that purpose by the county clerk: *Provided*, That the sheriff shall pay to any holder of such certificate or claim as is now provided by the General Statutes, and for all such shall receive a credit in his settlement; and the bond executed by the sheriff shall cover the said taxes thus to be collected and paid over, upon which bond he and his sureties shall be liable therefor in the same manner they are liable for State revenue; and he shall receive for collecting said taxes a compensation not exceeding that allowed by law for collecting the State revenue; and if any sheriff, whose duty it is to collect taxes levied under this act, shall fail or refuse to exe-

cute bond as required by this act, on the first Monday in January in each year in which said tax is to be collected, he shall forfeit his office, and the county court of said county, composed of the county judge alone, shall appoint a collector for said year, who shall execute bond, with sureties, and have all the powers and be subject to all the duties and liabilities of the sheriff in collecting tax under this act.

§ 21. That if any sheriff or collector having in his hands for collection taxes levied under this act shall fail to collect and pay over the same to the persons entitled, or to the treasurer, and within the time herein prescribed, such sheriff or collector shall, with his sureties, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered by suit or by motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same, "No security of any kind to be taken;" and any sale under such execution shall be for cash in hand.

§ 22. The said board of commissioners shall require the treasurer of the county, and the sheriff or collector of the county, to make semi-annual settlements of their accounts with the county at or on a day or days to be fixed by said commissioners.

§ 23. The board of commissioners may employ a competent architect to draft plans and specifications for any building, or a civil engineer for any bridge they are about to erect. Such plans and specifications shall be such as to afford any competent builder all needful information to enable him to understand what will be required in the construction thereof. Said architect or engineer shall make, or cause to be made, a full and accurate estimate of each item of expense, and the entire aggregate costs. If such drawings and specifications and estimates shall be approved by the commissioners, they, or a copy thereof, shall be deposited with the county clerk, and by him safely kept in his office.

Bridge. § 24. When any such building or bridge and approaches shall, by estimate, cost five hundred dollars or more, the board of commissioners shall advertise for sealed proposals to furnish the material and build and perform all of the work according to the plans and specifications, a copy of which shall also be on file in the county clerk's office in Pikeville for examination by those desiring to bid on said work and materials.

Proposals § 25. When the commissioners shall advertise for proposals, it shall be done by printed posters, or by publishing it in some newspaper having general circulation in Pike county. It shall state where the plans and specifications may be seen, and the time in which bidders have file their bids with the county clerk of Pike county, and the time when said bids will be opened, which shall be done by the county clerk, in the presence of not less than two of said commissioners and such bidders as may be present, and publicly read and examined. They shall accept the lowest and best bid, or reject all, and readvertise as before. All bids shall be accompanied by the names of at least two responsible persons, residents of the State of Kentucky, as surety for the performance of the contract, if the bid is accepted. Before opening any of said bids, they may adjourn until another day for making their awards. When a contract is entered into, the original shall be kept on file with the plans and specifications in the clerk's office. If it shall be necessary to make any addition or repairs to any building or bridge, the commissioners shall, as near as practicable, conform to and make contracts in manner herein set forth; and it is especially provided that neither of the commissioners, county judge, county attorney or county clerk, shall bid themselves, or procure any one to do so for them, or have any interest in any contract for the building or repairing of any building or bridge, or improvement of the public roads in Pike county during their term of office as such.

§ 26. The county court clerk shall make out and deliver to the sheriff and treasurer, at the same time he delivers to the sheriff the tax-books of the county, a statement showing the percentage of the county levy belonging to the several funds to be collected; and the sheriff and treasurer shall keep said funds separate, and pay out of each fund as the order drawn by the commissioner may specify.

Clerk shall make statement.

§ 27. The board of commissioners shall have no power to pass any order or resolution for the appropriation of any money, or the creation of any debt exceeding ten dollars, at any one time, unless the same, on its passage, shall be voted for by a majority of all the members of said board of commissioners, and the ayes and nays thereon entered on the journal or order-book.

Commissioners shall not appropriate more than ten dollars.

§ 28. The board of commissioners shall have full control of the poor and poor-house of Pike county, to the same extent the court of levy had over same.

§ 29. Appeals may be taken from the board of commissioners on all matters as are now allowed from the county court of claims, and in the same manner under the general laws of the Commonwealth to the circuit court of Pike county, when the amount in controversy is not less than twenty dollars.

§ 30. After the passage of this act the Secretary of State shall furnish to the clerk of Pike county court with three copies of the General Statutes and three copies of the Session Acts of 1887-8, and copies of any other books which the county offices are furnished by the State, for the use of the commissioners of said county; and the clerk shall, immediately on receipt of such books, deliver to each of said commissioners a copy of each of said books for use during their term of office, who shall, at the expiration of their respective terms of office, deliver said books to their successors in office as public property.

§ 31. All laws, or parts of laws in conflict with this act is hereby repealed.

§ 32. This act to take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1160.

AN ACT amending the charter of the town of Danville, and the acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March 8, 1876, and entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in relation to the town of Danville,' " and approved March 10, 1873, be, and the same is hereby, amended by striking from the second line of the third section of said act the words "fifty cents," and by inserting in lieu thereof the words "sixty cents," so that the first clause of said third section shall read as follows: "There may be an ad valorem tax levied and collected each year of not exceeding sixty cents on each one hundred dollars' worth of taxable property."

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved April 19, 1888.

CHAPTER 1161.

AN ACT to incorporate the Eastern Kentucky Sheep Ranch Company, and to encourage and develop the raising and herding of sheep and cattle in that region.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James A. Barrett, A. Lee Barrett, Tom L. Johnson, Lev A. Brigel and Wm. H. Glore, and their associates, be, and they are hereby, declared a body-politic, under the name and style of the "Eastern Kentucky Sheep Ranch Company," at Warfield, Martin county, Kentucky, and by such name shall have perpetual succession; may sue and be sued, plead and be impleaded, in any court as may a natural person be; may have and use a common seal, and may ordain and put in force such by-laws, rules and regulations, for the good government of said company, and the efficient management of its affairs, as may be deemed expedient, and not inconsistent with the laws of the Commonwealth of the State of Kentucky.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, which shall be deemed as personal property, and shall be transferable on the books of the company. The president and directors shall have power, from time to time, to declare dividends out of the net earnings and profits of the business, and for extending and enlarging their business. The board of directors may, from time to time, increase the capital stock, should it become necessary to extend their business; but not to exceed the sum of one hundred thousand dollars; and in addition to the specific powers hereby given and enumerated, may exercise any and all powers conferred upon similar corporations by the general law of this Commonwealth.

§ 3. The business of the said corporation is for ex-

tending the agricultural capacity of eastern Kentucky in the raising and herding of sheep and other stock ; importing the kinds best suited to its climate ; trading in wool, mutton, beef, and all other productions of that region. In purchasing and leasing of lands in their own right, and clearing and inclosing them in suitable pastures and ranges for the herding and grazing of sheep and other stock, and for driving and shipping said stock to the markets. They may purchase, hold, possess and enjoy, or they may sell and convey, or lease and sublet, any kind of real estate, or they may improve the same in any way to suit their wishes or pleasure, and do all other things that may be necessary to successfully carry out the objects and purposes of the enterprise.

§ 4. They may take real estate in fee or leaseholds, or personal property of any kind, at a cash valuation, on subscriptions to the capital stock, or they may sell the stock and take stock notes in payment.

§ 5. The affairs of said company shall be managed by a president, secretary and board of directors ; the board to consist of three or more, a majority of whom shall constitute a quorum to do business. The president and secretary respectively shall be elected from the number that may, from time to time, constitute the board. Until the board of directors are regularly elected and qualified under this charter, the corporators named in this act shall act as *ex officio* directors, and any three of them may constitute a quorum to do business.

§ 6. The corporators, or any three of them herein named, may, at any time after the passage of this act, open books for the sale of the capital stock, and when ten thousand dollars of said capital stock is subscribed for, the company may be organized under the provision of this charter and may commence doing business. The stock that may not be subscribed for at the organization may be held, sold and disposed of as the directors may determine and order, and they

may make such calls for the unpaid subscriptions as in their judgment the interest of the company may require, until the whole arrearages are paid.

§ 7. No stockholder shall be liable in law or held responsible for the debts or liabilities of the company in a larger amount or further sum than the balance he may owe the company on his stock notes.

§ 8. The principal office of the company will be located in Warfield, Martin county, Kentucky; but other localities may be designated by the directory, from time to time, to hold meetings of the directors, at which places agencies may be established for attending to the business of the company.

§ 9. The board of directors may appoint all agents or employes and fix their pay, or may discharge them at pleasure; and may enact and pass all by-laws necessary and proper for the management of the company's business, provided they are consistent with the provisions of this charter and the laws of the Commonwealth of the State of Kentucky.

§ 10. This act to take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1162.

AN ACT to establish a Normal School at Garrett, Meade county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning is hereby established at Garrett, Meade county, Kentucky, by the name of the Garrett Normal School, which shall be under the control of B. W. Shacklett, A. S. Dowell, T. H. Hamilton, Dr. C. K. Crutcher, J. H. Shacklett, S. M. Wrather, James Fonshee, H. R. Smith and Gus. W. Richardson, and their successors, as trustees of

said institution. If at any time a vacancy shall occur by death, removal or resignation, the other trustees shall elect a suitable person from among the stockholders to fill the vacancy. They shall have power to name one of their number president of their board, and such other officers as they may deem proper. They shall have power to employ such professors of learning as they may desire to teach said Normal School. They may hold annual commencements and public examinations of the pupils, and may confer such honorary degrees and diplomas as is usual in colleges of this Commonwealth. But no honorary degree shall entitle the person receiving it to be exempt from the regular examination as a teacher.

§ 2. That the president and trustees are empowered to adopt a course of study for teachers, embracing the following branches: 1. English: (a) English Grammar; (b) Rhetoric. 2. History: (a) United States; (b) Kentucky; (c) Civil Government; 3. Mathematics: (a) Arithmetic; (b) Algebra. 4. Natural Science: (a) Geography; (b) Physiology; (c) Natural Philosophy. 5. Professional: (a) Mental Science; (b) Theory and Practice of Teaching. 6. Drills: (a) Elocution; (b) Penmanship; (c) Orthography.

§ 3. That said Normal School shall receive white students of both sexes, and any degree of advancement.

§ 4. That this act shall take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1163.

AN ACT to incorporate The People's Bank of Pineville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a savings and ^{Capital stock.} deposit bank in Pineville, Bell county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed ^{Shares.} and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "The People's Bank of Pineville," ^{Corporate name.} and shall so continue for thirty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders herein; and shall have and may exercise all the rights and ^{Corporate powers.} privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer and defend, in any court or place whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and ^{Directors.} management of a board of seven directors, who shall be stockholders, and shall hold their offices until their successors are elected and have qualified; and after ^{When elected.} the first election under this charter, they shall be elected annually on the first Monday in January of each year, or as soon as practicable thereafter; and ^{Vacancy.} in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders. They shall elect one of their number ^{President.} president. They shall have power to sell any of the stock not subscribed for; to declare dividends arising out of the profits of the business of said bank; to appoint such ^{Officers.} officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay

them for their services; and may take such bonds from the president, cashier or other employes of said bank as they may deem necessary to insure a faithful performance of their respective duties; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That J. F. Slusher, Lewis A. Harrod, John Meador, David Colson and Jake Slusher, are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified; and they may fill any vacancy occurring in their number, and shall provide for an election of directors by the stockholders on the first Monday in April or May, 1888. The directors aforesaid shall cause the cashier to give due and proper notice to all the stockholders, by publication in some newspaper printed in Pineville, or by written or printed notices through the mails, of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section 3 of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank; and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than five dollars per share, that may be paid in by any subscriber at or after the time of making said subscription, and before the organization of the bank; and as soon as five shares of said stock shall have been subscribed for, they may organize said bank by electing a president and appointing a cashier, and may begin business as soon as seventy-five hundred

dollars of the capital has been paid in : *Provided*, That the cashier shall first go before the county judge or some justice of the peace, clerk of a court of record, or notary public, and make and subscribe to an oath (or affirmation) that said seventy-five hundred dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank, the calls for payments of installments on the subscriptions of stock shall not, at any one time, exceed ten dollars per share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock on which any called installment is at any time thirty days overdue, may be declared forfeited by the board of directors, after ten days' notice, in writing, to the owner thereof, of their intention to forfeit same, provided the same shall remain unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or overdue installments to the bank, and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

Calls for payments of installments.

Shares forfeited.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholders, his agent or attorney, under such rules and regulations as the directors shall, from time to time, establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him.

Stock personal property.
Transferable.

§ 7. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositor by general or special contract; may transact a general

Nature of business.

banking business ; loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds and other evidences of debt ; take personal, collateral or other security for the payment of same, and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 8. Said bank may acquire, hold and use such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of, any debt, judgment or decree, and may sell and convey the same ; but any real estate purchased by or conveyed to it in satisfaction, in whole or in part, of any debt, judgment or decree, shall not be held for a longer period than five years ; and may buy its own stock in satisfaction of any such debt, judgment or decree, but must resell the same as soon as practicable.

Deposits, minors
and married
women.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

Officers take oath

§ 10. The president, cashier and other officers of said bank, before entering upon the discharge of their respective duties, shall each take an oath (or affirmation) before the county judge or some justice of the peace, clerk of a court of record or notary public, faithfully and to the best of their skill and ability and judgment to discharge all the duties of their respective offices or stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation ; and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 11. Any stockholder owing or in any ways indebted to said bank for his stock, shall not have the right to transfer his stock till such indebtedness is fully paid to said bank.

§ 12. Said bank may take stock and invest in other banks.

§ 13. The Legislature reserves the right to amend, alter or repeal this charter at pleasure.

§ 14. This act shall take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1164.

AN ACT to incorporate the Morgantown Seminary and Normal College, in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the institution of learning at Morgantown, in Butler county, and known as the Morgantown Seminary, be, and the same is hereby, incorporated and established at said place, to be known as the "Morgantown Seminary and Normal College."

§ 2. That N. T. Howard, Columbus Neel, W. F. Leech, L. V. Morris, G. W. Quinn, W. A. Helm, and W. S. Taylor, and their successors in office, are hereby constituted a body-politic and corporate, to be known by the name of the Trustees of the Morgantown Seminary and Normal College; and by that name shall have perpetual succession and existence, and a common seal, which seal they may change at pleasure; and by said name, and in their corporate capacity, may sue and be sued, plead and be impleaded, in all courts of law and equity; contract and be contracted with, hold, enjoy and possess all moneys, property or choses in action which may, at any time or in anywise belong to said college; and

they are hereby enabled to receive and hold, for the benefit of said college, all lands, tenements, moneys, choses in action, or other thing, by conveyance or other transfers, which may in anywise belong or fall to said institution, including all endowments or donations that may from time to time be made to the same. They shall have power, in the advancement of said institution, to sell, lease, rent, or otherwise dispose of or exchange any property which may belong to said college, and use the proceeds for its use and benefit. But nothing in this section shall apply to the moneys heretofore donated by the Government, and now in the hands of the old trustees, or to the present grounds or house, but to funds hereafter accumulated and to tenements hereafter obtained.

§ 3. For the purpose of promoting the cause of education in all its branches, and extending the sphere of science, the trustees shall have power, from time to time, to establish and endow in said college such professorship as they may deem necessary for a liberal and thorough course of instruction. They shall have full power to select and employ any officers and agents they shall deem proper; also such presidents, professors, instructors and tutors as they from time to time may deem necessary; also to make, ordain, establish and execute, or cause to be executed, all such by-laws, rules and ordinances, not inconsistent with the Constitution and laws of the United States or of this State, as they may think necessary for the welfare of said college, for their own government, the good government of the professors, instructors, tutors, agents, officers and students of the same, and generally to do all acts necessary and proper to build up said college, and promote its welfare and prosperity.

§ 4. The permanent officers of the board of trustees shall consist of a president, secretary, treasurer and executive committee, all of whom shall be annually elected by the trustees from their own number, ex-

cept the secretary and treasurer, who may be selected out of the board. The board shall prescribe the duties and responsibilities of the officers provided for in this section, and shall require the treasurer to give bond, with ample security, for the faithful discharge of the duties of his office.

§ 5. In the event of a vacancy in said board by resignation, death or refusal to act, the remaining members of the board shall fill the vacancy, or the county court of Butler county may appoint some one to fill said place.

§ 6. The board of trustees, together with the faculty, shall have power to hold annual commencements and public examinations, and shall also have power to confer such honorary degrees and diplomas as is usual in other colleges and universities in the United States; and they shall have all the powers, privileges and immunities, and be subject to all the pains, penalties and liabilities of similar institutions in the State of Kentucky. Said trustees shall have full power to raise an endowment by subscriptions, donations, by the receipt of legacies, and in such modes as is usual in such institutions.

§ 7. The trustees shall, before acting, qualify by taking an oath to faithfully and honestly discharge their duties.

§ 8. That the board of trustees shall be citizens of Butler county, and three of same shall be the trustees appointed by the county court of Butler county as trustees of the seminary; said trustees now being L. V. Morris, W. F. Leach and C. Neel; and in case of death or removal of any of these, the county court for Butler county shall appoint his successor.

§ 9. All moneys hereafter donated, or given or obtained by the said board, shall go into a common fund to be used by them.

§ 10. This act shall take effect from and after its passage.

Approved April 19. 1888.

CHAPTER 1165.

AN ACT to establish a system of public and high schools in and for the town of Sebree, in the county of Webster, for white children only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is established in the town of Sebree, in the county of Webster, a system of public and high schools, to be known as the Sebree Public and High Schools, and is to embrace a district of three miles square, or one and one-half miles from center of said district; said center to be at the crossing of Main street and Louisville and Nashville Railroad, in said town, and the boundary lines to be geographical from said center; said area is hereby incorporated as a school district, which shall be under the control of a board of trustees elected by the qualified voters of said district as hereinafter provided.

§ 2. The persons elected shall constitute and be styled the board of trustees of the Sebree public and high schools; and by that name shall be a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all public school property in said district shall vest in said board of trustees and their successors forever.

§ 3. The number of trustees for said district shall be five, to be elected as follows, to-wit: The first board of trustees hereinafter named shall, by the ratification of this act, be the trustees of said district, and be known as charter trustees, and are to hold their office for a term of two years from and after the ratification of this act.

§ 4. At the expiration of two years after said ratification one trustee is to be elected annually thereafter, at an election to be held on the first Saturday in June; the retiring trustee to be decided by the board by lot

among themselves; said board of trustees to hold their offices until their successors are elected and qualified.

§ 5. A majority of said board shall constitute a quorum for the transaction of business. In case of the death or resignation of any of said board, or if from any cause a vacancy shall occur, the remaining members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify within ten days after being duly elected. Before entering upon their duties said board of trustees shall take an oath to faithfully discharge their duties as trustees, before a justice of the peace, county judge or notary public of said county. All their contracts shall be in writing, signed by the chairman and attested by the secretary of said board.

§ 6. They shall have power to fix the time and place of meeting, to make by-laws and rules for the government of themselves and appointees; to employ teachers and dismiss them for cause, and to prescribe the text-books to be used; and shall have the management, control and government of said schools. They shall keep a correct journal of all their proceedings, duly signed by the chairman and secretary of said board of trustees, which shall be open at all times to the inspection of any citizen of said district.

§ 7. Said board shall appoint one of their members chairman, who shall preside at all meetings, and perform such other duties as may devolve upon him as such. They shall also appoint a secretary, prescribe his duties, and fix his salary. They shall employ all teachers, assistant teachers, and any other persons necessary to properly conduct said schools, and fix all rules for government of same, fix the salaries of all teachers and other employes; grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons for admission to the schools.

§ 8. Said board shall appoint a treasurer, who shall

receive and pay out all moneys, giving and taking receipts for same; and shall, before entry upon his duties, execute bond with sureties, to be approved by the board. Upon this bond he and his sureties shall be liable for all moneys received by him and not properly paid out; said treasurer shall execute bond for five thousand dollars, with approved sureties, which shall have same bearing as the bond of the collector. Said trustees shall have power to purchase a lot or lots, and erect to thereon suitable school buildings and school furniture, not to exceed six thousand dollars in value. They shall in no way encumber said house and lot or lots.

§ 9. All white children over six and under twenty years of age within said district shall have equal rights of admission to said schools, free of all charges or tuition, except in cases where the child has completed the public school course as prescribed by law; then the trustees shall have the right to charge such fee as may be agreed upon for instruction in the higher branches. It is expressly prescribed that white children only shall be admitted into said schools.

§ 10. The said board of trustees shall, at the end of each scholastic year, make out a report, in writing, and have same published, if they think necessary, showing the number of pupils in the schools, the condition and amount of property and funds belonging thereto. Should there be any funds left in hands of the trustees after purchasing the site, building thereon and furnituring same, from the fourth or any other year assessment, the same shall be applied to the public school fund for defraying current expenses thereof, and such other information as the cause of education may require.

§ 11. The trustees empowered by this act shall have power to sell and convey the present school building in the town of Sebree, and apply the proceeds to the building of a new house. The following named persons are hereby constituted and appointed trustees

under this act, viz: H. C. Bailey, S. R. Horner, Peter Countzler, P. M. Willingham, and A. J. McMullin, with power to fill vacancies as herein provided, and to serve a term of two years from time of ratification, or until their successors are elected and qualified.

§ 12. The board of trustees shall raise the necessary funds for the building of said school-house, paying for lot or lots, furniture, etc., etc., by issuing bonds of said district not to exceed six thousand dollars, face value, and in denominations of from one to five hundred dollars each, inclusive, bearing a rate of interest not greater than six per cent. per annum, the interest to be paid annually. Said bonds to be redeemable at the discretion of the trustees, or when there shall accrue sufficient funds to pay off all or a part of them after one year from date of issue. Said bonds to be redeemed numerically, beginning at the lowest number.

§ 13. To raise the funds to redeem said bonds, a tax of not exceeding four dollars per capita, and fifty cents ad valorem on each one hundred dollars' worth of all taxable property within said district shall be levied, for four consecutive years only, after being ratified by a majority of the legal voters of said district. All male white citizens, twenty-one years of age, residing within said district, who could vote for a justice of the peace, if this was a justices' district, may vote. And all widows who own property, or who have children within the school age, may also vote by written proxy, and a majority of such votes shall determine the result.

§ 14. Said bonds above-mentioned shall not run longer than five years, and shall pass by delivery, and made payable to bearer, shall be signed by the chairman of the board of trustees, and be attested by the clerk or secretary thereof. It is further understood that no property belonging to any colored citizen of said district shall be taxed ad valorem or poll.

§ 15. No catechism or other form of religious wor-

ship or belief shall be taught or inculcated in, nor shall any class book be used or adopted for said schools, which reflects upon any religious denomination or political persuasion, nor shall any class be so conducted as to interfere with the religious or political belief of parent or child.

§ 16. It is further ordered that said board of trustees, if they see proper or think necessary, shall have the power to levy a tax, not to exceed one dollar per capita and twenty-five cents ad valorem, on each one hundred dollars' worth of taxable property of said district belonging to the white citizens thereof, for the purpose only of aiding the public school; none of said taxes is to go toward defraying the expenses of the high school.

§ 17. The trustees shall appoint an assessor to assess the property of said district, and agree with him as to his compensation; he shall also assess the polls within said district; he shall be duly sworn to faithfully discharge his duties.

§ 18. The trustees shall have power to appoint three disinterested and suitable persons, residents of said district, to review his lists and equalize the taxes. If a party fails to list his poll or property, the assessor shall do so for him. The assessments may be made any time between the tenth day of January and the first day of May following; but the first assessment for first year to be made immediately after the ratification of this act, and be as if made and relate as on that day, except if persons move into said district after that day and prefer to send to school, they may do so, and have the option to enter upon the same terms as parties out of the district, or be listed and pay as from or in proportion to the time of entering his children in said schools.

§ 19. After the assessor has returned his list, and the same has been examined and approved by the persons appointed to discharge such duties by the trustees, the same shall be filed with the treasurer of

said board of trustees, who shall keep the same as a public record.

§ 20. Said board of trustees shall have power to appoint a collector to collect said taxes, and to him shall the treasurer deliver a correct, a certified copy of said list, taking his written receipt for same. Said list shall be open to examination by any resident citizen of said district, at any time, who may wish to do so. Said collector shall execute bond for not less than five thousand dollars, with approved sureties for the faithful discharge of his duties. All funds collected by him shall be paid over to the treasurer of the board of trustees, at a regular meeting of the same, when a quorum is present, under the same responsibilities as to him and his sureties as if it was a part of the county levy, and he shall have all the power to distrain and sell as sheriffs have when parties fail to pay State revenue or taxes. His compensation shall be such as the board of trustees may agree upon. It shall be the duty of the superintendent of public schools in and for the county of Webster to pay over to the board of trustees, at a regular meeting of the same, when a quorum is present, all the moneys accruing to said district out of the public school funds of the State as now directed by law, which funds shall be used only in payment of teachers of the common school branches in said school. The board of trustees may admit into said school any white children who are non-residents of said district upon the payment of such tuition as may be agreed upon. This act shall take effect and be in full force so soon as the same shall be ratified by a majority of all the white votes cast by the white legal and qualified voters of said district at an election to be held within sixty days after the passage of this act; said election to be held only after same has been duly advertised by either printed or written notices, so that all may be informed of the pro-

visions of this act, If at the first election held under this act a majority of the legal voters fail to indorse the same, then, upon a petition of twenty or more citizens of said district to the county judge, he shall order an election or elections at such time or times as may be agreed upon by said petitioners: *Provided, however,* That said election or elections shall be duly advertised at least two weeks before the holding of the same, either by printed or written notices.

Approved April 19, 1888.

CHAPTER 1166.

AN ACT to amend the charter of Bryantsville, Garrard county, regulating the use of any money that may accumulate in the treasury thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the board of trustees of the town of Bryantsville, Garrard county, Kentucky, to use any funds that may accumulate in the town treasury, whether derived from taxation, the collection of fines and penalties for the violations of the laws and ordinance of the town, or from any other source, for paying the salary of the town marshal, police judge or other police officers, keeping the streets in repair, and any other purpose that a majority of the board of trustees may deem for the public good.

§ 2. This act shall take effect from its passage.

Approved April 19, 1888.

CHAPTER 1167.

AN ACT for the benefit of common school district No. 39, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the title to Hart Seminary, in common school district No. 39, in Munfordville, Hart county, Kentucky, and the lot on which it stands, is hereby vested in the trustees of common school district No. 39, to be held, used and controlled under the common school laws of Kentucky as now provided by the laws applicable to all lands and common school buildings now held and controlled by the trustees of common school districts in Kentucky.

§ 2. This act shall take effect from its passage.

Approved April 19, 1883.

CHAPTER 1168.

AN ACT for the benefit of S. M. Tutt, of Wolfe county.

WHEREAS, At the November term, 1885, of the Wolfe circuit court, Daniel Noble was tried in and under an indictment of said court, on the charge of "attempting to commit a rape on the body of an infant," and found guilty of said charge by the jury, and his punishment fixed at five years' imprisonment in the penitentiary of this State; but before judgment was rendered against him on the charge, he made his escape and ran at large until S. M. Tutt, the former sheriff of said county, rearrested him in Breathitt county, some distance from Wolfe county, and delivered to the jailer of Wolfe county; after which judgment was rendered against said Noble on said charge, and under the same he was conveyed to said penitentiary, where he has been ever since, and

is now serving out said sentence ; whereas, said Tutt was at much trouble and expense in ascertaining where said Noble was after his escape, and in making his arrest and conveying him to said jailer, and for which Tutt has never received any compensation ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer, in favor of S. M. Tutt, for the sum of twentyfive dollars, to be paid out of any money not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1169.

AN ACT to amend the charter of the Northern Division of the Cumberland and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Extension of
time to complete
road.

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the Cumberland and Ohio Railroad Company,' " approved February 24, 1869, and amendments thereto, be so amended as to allow the further time of five years from and after March 18, 1888, to complete any portion of said road from Shelbyville, in Shelby county, to Eminence, in Henry county.

Right to sell to
other companies.

§ 2. Said northern division of the Cumberland and Ohio Railroad Company has, by this act, full power and authority to sell, lease or otherwise dispose of any of its rights of way, road-bed property and other franchises to any other railroad company or other company, by first obtaining the consent of a majority of

all of the stockholders, to be obtained at a meeting thereof, and after such notice of the time and place of such meeting as is now required in meetings of that character, under the provisions of the charter of said company.

§ 3. Nothing in this act shall be construed to interfere with, or in anywise affect, any existing lease or mortgage, or any bonds issued thereunder, upon the portion of said road now under lease or mortgage to any other company.

§ 4. The acceptance of this amendment by the northern division of the Cumberland and Ohio Railroad Company shall be construed as an abandonment and waiver of all right or authority to acquire or hold any real estate, except so much only as may be necessary for its right of way and depot grounds, and such other only as may be necessary for the operation of its line of road. And this amendment is not to be construed as authorizing any tax to be voted, or any question of taxation to aid in its construction, to be submitted to the voters of any county or town, or taxing district along its line; on the contrary, all rights to submit questions of taxation for any and all purposes, as provided in the original charter, are waived and abandoned by the acceptance of this amendment.

§ 5. This act shall take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1170.

AN ACT for the benefit of common school districts Nos. 25 and 29,
Logan county.

WHEREAS, Twenty (20) pupil children were omitted in the census report of school district No. 25, Logan county, for the school year ending June 30th, 1887, and five (5) pupil children were omitted in the census

is now serving out said sentence ; whereas, said Tutt was at much trouble and expense in ascertaining where said Noble was after his escape, and in making his arrest and conveying him to said jailer, and for which Tutt has never received any compensation ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer, in favor of S. M. Tutt, for the sum of twentyfive dollars, to be paid out of any money not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1888.

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§ 2. Said northern division of the Cumberland and Ohio Railroad Company has, by this act, full power and authority to sell, lease or otherwise dispose of any of its rights of way, road-bed property and other franchises to any other railroad company or other company, by first obtaining the consent of a majority of

all of the stockholders, to be obtained at a meeting thereof, and after such notice of the time and place of such meeting as is now required in meetings of that character, under the provisions of the charter of said company.

§ 3. Nothing in this act shall be construed to interfere with, or in anywise affect, any existing lease or mortgage, or any bonds issued thereunder, upon the portion of said road now under lease or mortgage to any other company.

Existing lease
and mortgage.

§ 4. The acceptance of this amendment by the northern division of the Cumberland and Ohio Railroad Company shall be construed as an abandonment and waiver of all right or authority to acquire or hold any real estate, except so much only as may be necessary for its right of way and depot grounds, and such other only as may be necessary for the operation of its line of road. And this amendment is not to be construed as authorizing any tax to be voted, or any question of taxation to aid in its construction, to be submitted to the voters of any county or town, or taxing district along its line; on the contrary, all rights to submit questions of taxation for any and all purposes, as provided in the original charter, are waived and abandoned by the acceptance of this amendment.

Acceptance of
this charter effect
of.

§ 5. This act shall take effect from and after its passage.

Approved April 19, 1888.

CHAPTER 1170.

AN ACT for the benefit of common school districts Nos. 25 and 29,
Logan county.

WHEREAS, Twenty (20) pupil children were omitted in the census report of school district No. 25, Logan county, for the school year ending June 30th, 1887, and five (5) pupil children were omitted in the census

report of school district No. 29, Logan county, for the school year ending June 30th, 1888 ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of J. H. Morton, county superintendent of Logan county, for the sum of forty-six (\$46) dollars and ten (10) cents, payable as follows : Undistributed surplus and interest for 1886-'87, six (\$6) dollars and six (6) cents ; undistributed surplus and interest for 1887-'88, two (\$2) dollars and seven (7) cents, and thirty-seven (\$37) dollars and ninety-seven (97) cents out of the surplus and interest for the school year ending June 30th, 1889.

§ 2. This act shall take effect from its passage.

Approved April 20, 1888.

CHAPTER 1171.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Trust and Investment Company," approved March 1, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following words be added to section 3 of an act, entitled "An act to incorporate the Kentucky Trust and Investment Company, of Bowling Green, Kentucky," approved March 1, 1888, and that the same be made a part thereof, to wit: "And shall be subject only to such liabilities as other share-holders are subject to, which liabilities are no more than for the payment to the company of the sums due, or to become due, on the shares held by them."

§ 2. This act shall take effect and be in force from its passage.

Approved April 20, 1888.

CHAPTER 1173.

AN ACT to amend an act, entitled "An act to incorporate the Clifton and Reservoir Park Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Clifton and Reservoir Park Railroad Company shall have the right to lay a single or double track, and operate a line of street cars, by horse power, cable line or electricity, on either side of the Louisville and Shelbyville Turnpike Road, from a point in the city limits to the crossing of the Louisville and Lexington Railroad with said pike ; thence northwardly through the town of Clifton, by the consent of the trustees of said town.

§ 2. *Be it further enacted,* That the said Clifton and Reservoir Park Railroad Company shall have the right to run its cars on the tracks or right of way of any other street railway company not more than five hundred (500) feet, and if satisfactory terms can not be had with such other company, the terms to so run over such other road is to be adjudged by any court in Jefferson county having jurisdiction thereof, by a suit brought by said Clifton and Reservoir Park Railroad Company, by and under a writ of *ad quod damnum*.

§ 3. This act to take effect from and after its passage.

Approved April 20, 1888.

CHAPTER 1174.

AN ACT to fix the commissions of the sheriff for collecting certain special taxes in Bracken county, and to legalize and validate settlements made by the sheriff with the sinking fund commissioners of said county on account thereof.

WHEREAS, There is some uncertainty as to the amount of the commissions allowed by law to the

sheriff for collecting the special taxes of Bracken county, and some doubt exists as to the legality and validity of settlements heretofore made by the sheriff with the sinking fund commissioners on account thereof; and whereas, it is desired to make said commissions definite, and to legalize and validate said settlements; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sheriff of Bracken county shall receive, as a compensation for collecting the several special taxes of said county, the following commissions, viz: For collecting the "sinking fund tax," a commission of ten per cent. for the first five thousand dollars thereof collected and four per cent. commission for all sums collected in excess thereof; for collecting the special tax levied for turnpike purposes he shall receive a commission of ten per cent. of the first five thousand dollars thereof collected, and for any sum collected in excess of five thousand dollars he shall receive four per cent. commission; for collecting the special tax levied for bridge purposes he shall receive a commission of ten per cent. on the first two thousand and five hundred dollars, and four per cent. commission on all sums collected in excess of said sum; and for collecting the special tax levied for the benefit of the infirmary and paupers he shall receive ten per cent. commission on the first two thousand and five hundred dollars collected, and a commission of four per cent. on all sums collected in excess thereof.

§ 2. That all settlements heretofore made between the sheriff and commissioners of the sinking fund of said county of the accounts of said special taxes and county levies of Bracken county are hereby legalized and validated.

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1176.

AN ACT to amend the charter of Elizabethtown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. If the trustees shall fail to elect an assessor or supervisors within thirty (30) days after the time required by law, they shall be liable to a fine of one hundred dollars. Penalty for not electing assessor.

§ 2. If the assessors shall fail to return his assessments of the property of said town subject to taxation within thirty days after his appointment and qualifications as required by law, he shall be fined one hundred dollars and receive no compensation for his services. Penalty for failing to return assessment.

§ 3. As soon as the assessor's books are returned, the board of trustees shall appoint three discreet property-holders of said town as supervisors, who, after being first duly sworn, shall proceed to supervise said assessment as directed by law, and shall make their return in writing to the board of trustees within six days after their qualifications. For failure to make their return within six days, they shall be liable to a fine of \$20 and receive no compensation for their services. Supervisors.

§ 4. The board of trustees shall then leave said books of assessment with the clerk of the board for ten days, and public notice shall be given for all persons to examine said books and file with the clerk of the board, within ten days, their complaint in writing, if any they have. The board of trustees shall hear such complaint as shall be made, and make such corrections as to them seem, and at the end of ten days the book shall, as corrected, be copied by the clerk and delivered to the treasurer. If the clerk shall fail to copy the book and deliver the same to the treasurer within ten days after it becomes his duty to do so, he shall be fined one hundred dollars. Book of assessment to be left with clerk. Hear complaints and correct errors. Penalty for failure to copy book

Objections
waived.

§ 5. All objections to the assessment, on the ground of over-valuation of property or improper assessment, shall be deemed waived, unless presented as directed ; and the board of trustees shall make no further corrections in said book, except in favor of non-resident of the town.

Treasurer's
duties.

§ 6. The treasurer shall at once give public notice to the tax-payers when the books has reached his hands, and that the taxes are due. All parties paying their taxes within thirty days from the date of said notice shall receive a discount of three per cent. All parties paying within the next thirty days shall receive a discount of two per cent. All parties paying within the next thirty days shall receive a discount of one per cent.

Add fifteen per
cent. after ninety
days

§ 7. At the end of ninety days it shall be the duty of the treasurer to add fifteen per cent. to all taxes, or parts thereof, remaining unpaid, and return the same to the board of trustees, and the board shall at once list them with the marshal or collector for collection, who shall be liable for the same on his bond, and shall receive for his services the fifteen per cent. added to the tax-bills by the treasurer. If there is no marshal or collector, the sheriff of Hardin county shall collect said taxes for the same compensation.

Collecting officer
make monthly
reports.

§ 8. It shall be the duty of the officer collecting said taxes to make monthly reports to the board of trustees of the amounts collected, and from whom. It shall be his duty to collect all of said taxes within six months, and pay over the proceeds, and make a final settlement with the board of trustees. The board of trustees shall have no power to give him further time.

Unpaid taxes.

§ 9. Any taxes then unpaid, and which the said officer could not collect by reasonable diligence, shall be turned over by the board to the city attorney, if in the judgment of the board said taxes can be made by suit ; but no such taxes shall be taken back from the officer by the board when the same could be collected

by the officer by attachment, levy or distress ; and all that could be so collected shall be charged to said officer in his said settlement.

§ 10. It shall be the duty of the city attorney at once to file suit against the parties owing said taxes. Duty of city attorney. The Hardin circuit court shall have jurisdiction of all suits for this purpose without regard to amount or where the parties may reside. All taxes levied by the board shall be a perpetual and first lien on the property, subject only to the lien of the State of Kentucky for taxes, and the proceeding to enforce said lien shall be by petition in equity in the name of the board of trustees of Elizabethtown. In all such cases an attorney fee of five dollars shall be taxed in the cost, and the city attorney shall be entitled to no further compensation for his services in any such action than the taxed attorney's fee.

§ 11. The tax receipts, signed by the clerk of the board, shall be *prima facie* evidence that the taxes Tax receipt prima facie evidence. are due and owing upon the property, and by the parties therein named ; and in petition under this act it shall be sufficient to aver that the tax was duly levied and the property duly assessed, stating the rate of taxation, the amount the property was assessed at, and the purpose or purposes for which the taxes was levied, and what part, if any, of the taxes has been paid ; the petition shall describe the property sought to be subjected, and the owner shall be made defendants to the actions ; the tax receipt shall be filed with the petition.

§ 12. In all such cases, if it shall appear that there are irregularities or errors in the assessments or other proceeding, the petition shall not be dismissed, but the court shall ascertain the amount of tax due upon a fair valuation of the property, and shall compel the payment of same by proper order or by a sale of the property.

§ 13. The provisions of sections 9, 10, 11 and 12 of this act shall apply to all taxes heretofore levied,

which shall not be paid by October 1, 1888, and the provisions of section 8 and 9 shall apply to any collector of said taxes now acting, so far as to require him to make monthly reports to the board as therein directed, and to make a final settlement within six months from the passage of this act.

§ 14. In all cases where property has been sold for taxes and bought in the name of the board of trustees, which shall not be redeemed by October 1, 1888, proceedings shall be taken similar to those directed in sections 9, 10, 11 and 12 of this act, to have said property sold to make said taxes.

§ 15. All taxes shall bear interest at seven per cent. per annum from the time the treasurer turns over the books until paid.

§ 16. In all sales by order of court under this act, the title to the property sold shall pass to the purchaser in the same way and to the same extent as in suit upon liens arising upon contracts.

§ 17. The proceedings in actions filed under this act shall be the same as other actions in equity for the enforcement of liens ; there shall be a *prima facie* presumption that all assessments were regularly made, and that the levy of the taxes and other proceedings are regular until the contrary is shown or appears ; but no error or irregularity in the proceeding, whatever may be its character, shall bar the action, unless the taxes in the property in contest have been in fact paid. All property shall be assessed as of April 1, each year.

§ 18. In all sales of land by the collecting officer for taxes levied by the board of trustees, if the same be not redeemed within the time allowed by law, the title to the land shall pass to the purchaser, and it shall be no objection to said sale that the property was assessed irregularly, or that the officer could have made the tax out of personal property, or that any of the steps required in this act, or the act to which this is an amendment, were not taken regularly, pro-

vided it shall appear that the tax was due and unpaid, and that same had been demanded of the party owning the property or his authorized agent, if a resident of Hardin county.

§ 19. All property in said town, including banks and their real and personal, shall be alike subject to taxation; and if any property be not assessed, or the owners refuse to list the same, the city attorney, if so directed by the board, shall be authorized to file a petition in the Hardin circuit court against the owners of the property, and the court shall ascertain the amount of taxes due and enforce its payment by proper orders.

§ 20. The provisions of section 19 shall apply to all cases where property has not been assessed for any of the years since May 1, 1881, and the taxes paid thereon.

§ 21. All the rights and benefits conferred upon the town of Eminence by sections 2 and 3 of an act to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Eminence, in Henry county," approved April 22, 1886, be, and the same are hereby, confirmed upon the town of Elizabethtown, Hardin county, Kentucky.

§ 22. Any laws or parts of laws in conflict herewith are hereby repealed.

§ 23. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1177.

AN ACT for the benefit of the assessor of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessor of Harrison county be, and he is hereby, allowed the further time of thirty days

from what is now allowed by law to complete his labors, and make his returns to the county clerk of said county.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1178.

AN ACT to regulate the sale of spirituous, vinous and malt liquors in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the judge of the Woodford county court, upon a written petition, signed by at least twenty of the legal voters of said county, to make an order on his order-book, at the term of court in session when said petition is received, or on the first day of the next regular term thereafter, directing the sheriff, or other officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places of said county, on a day named in said petition (between the hours of 7 o'clock A. M. and 6 o'clock P. M.), for the purpose of taking the sense of the legal voters of said county, who are qualified to vote at elections for county officers, upon the proposition whether or not spirituous, vinous or malt liquors shall be sold, loaned, furnished, bartered, or given in said county.

§ 2. The election herein provided for shall be held by the officers whose duty it shall be to hold the regular August election; and all laws applicable to the holding of elections for county officers at the August election, not inconsistent with the terms of this act, shall be applicable to the elections held under this act.

§ 3. It shall be the duty of the county court clerk

to give to the sheriff, or other officer appointed to hold said election, a certified copy of the order of the county court as it appears on the order-book, within ten days after said order is made; and thereupon, it shall be the duty of the sheriff, or said officer, to have the said order published in all of the weekly newspapers published in said county that will publish the same, for at least two weeks before the election, and also to advertise the same by printed handbills, posted at eighteen conspicuous places in said county, the same length of time. The sheriff, or said officer, shall have the advertisement and notice herein provided for posted as above directed within ten days after he receives the order of the county court.

§ 4. It shall be the duty of the sheriff, or said officer, to open a poll at each and all of the voting places in said county on the day designated in the order of the county court; and the election officers shall propound to each voter who may vote the question: "Are you for or against the sale of spirituous, vinous and malt liquors in this county?" and his vote shall be entered for or against it as he directs. The poll-books shall be returned as poll-books in elections for county officers, and shall be examined and compared by the same board, and within the same length of time, which board shall certify the result of said election.

§ 5. If it shall be found that a majority of the legal votes cast at the election before provided for were given against the sale of spirituous, vinous and malt liquors in said county, the certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court; and said entry of the certificate in the order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

§ 6. After the entry of the certificate of the examining board, as above provided for, in the order-book of the county court, it shall be unlawful for any person to sell, barter, give, furnish or loan spirituous, vinous or malt liquors within the county of Woodford, except as hereinafter provided ; and all laws or parts of laws authorizing the county judge or county court of said county, or the trustees of any town within said county, to grant license to retail spirituous, vinous or malt liquors, shall thereupon be repealed ; and any person who shall sell, barter, give, furnish or loan any such liquor or liquors in said county shall, upon conviction, be fined one hundred dollars for each offense, and each sale, loan, gift, furnishing or barter shall be a separate offense.

§ 7. The provisions of this act shall not apply to any manufacturer or wholesale dealer who, in good faith, and in the usual course of trade, sells by the wholesale in quantities not less than five gallons, delivered at one time, and not to be drunk on the premises ; nor to licensed druggists who sell for medicinal purposes, on a prescription written and signed by a regular practicing physician, legally authorized to practice medicine, which prescription shall state the name of the person for whom it is prescribed ; but no physician shall make or sign any such prescription unless such liquor is absolutely required as a medicine ; and any physician who makes or signs any prescription for such liquor or liquors, except as provided for in this section, shall be guilty of a violation of this act, and on conviction be fined in any sum not less than fifty dollars nor more than one hundred dollars. It shall be the duty of every druggist to keep an accurate register in a book kept for that special purpose, of every sale of such liquors made by him, his clerks or employes, which shall show as to each sale the date, the quantity, to whom made, and upon whose prescription, which prescription shall be preserved by said druggist for twelve months, and only one sale

shall be made on any prescription ; which register shall be open for inspection, at all reasonable times, by the county attorney for Woodford county and the grand juries thereof. Any druggist who shall fail to comply with any requirement of this section shall be fined in any sum not less than fifty dollars nor more than one hundred dollars for each failure.

§ 8. Nor shall the provisions of this act apply to the giving or furnishing, without compensation, direct or indirect, of any of such liquors in said county, unless such giving or furnishing be in the nature of, or in connection with, the usual business of the party so giving or furnishing, nor to a regular practicing physician legally authorized to practice medicine, who administers said liquors in good faith as medicine to one who, at the time, actually requires it as a medicine, nor to the procurement or use of said liquors for sacramental purposes.

§ 9. The county court shall not make the order for said election until the persons signing the petition have deposited with the county judge, in money, an amount sufficient to pay for printing or posting advertisements as provided for ; and the fees of the clerk for making entries on the order-book and other legal fees.

§ 10. If it shall be found that a majority of the legal votes cast at said election are in favor of the sale of spirituous, vinous and malt liquors in the county, then, in that event, it shall not be lawful to sell any such liquor in any district or portion of said county in which such sale is prohibited by special act of the Legislature ; but all such acts shall remain and be in full force in said district or portions of said county just as if no vote under this act had been taken, and this act shall not then prevent any vote from being taken in said county by precincts under the general local option law.

§ 11. If, at said election, a majority of the legal

votes cast are against the sale of said spirituous, vinous and malt liquors, then this act shall be and remain in force until, at a subsequent election held under this act, a majority of the legal votes cast shall be in favor of the sale of said liquors.

§ 12. If any person shall vote at the election provided for herein who is not entitled to vote under the laws of this Commonwealth at elections for county officers, he shall be punished as for a violation of the general laws on elections ; and all general laws to protect the purity of elections shall be applicable to this act.

§ 13. The election herein provided for shall not be held, except at the time of the regular election in August of any year. Should a majority of the votes cast at any election be against the sale of spirituous, vinous and malt, then the question shall not again be submitted for three years.

§ 14. It shall be the duty of the judge of the circuit court to give this act in charge to the grand juries of said county.

§ 15. Upon each day that an election is held under this act, all bar-rooms and saloons in said county where spirituous, vinous or malt liquors are sold by retail, shall be closed ; and it shall be the duty of every person who owns or controls such a place to close and keep the same closed during the whole of said day ; and it shall be unlawful for any person in said county, on said day, to sell, loan, give, furnish or barter any spirituous, vinous or malt liquor, except to the extent and under the conditions prescribed in this act, when the same is in force. Any person violating any of the provisions of this section shall be fined in the sum of one hundred dollars for each offense ; and it shall be the duty of all peace officers in said county, under their oaths of office, to see that this section of this act is enforced on that day.

§ 16. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1179.

AN ACT to repeal chapter 412 of Session Acts of 1863 and 1864, entitled "An act for the benefit of Polly Dufour."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 412 of the Session Acts of 1863 and 1864, entitled "An act for the benefit of Polly Dufour," and all acts or parts of acts amendatory to said act, are hereby repealed.

§ 2. This act to take effect from its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1180.

AN ACT to amend an act, entitled "An act to incorporate the Consumer's Gaslight Company, of Covington," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to which this is an amendment be, and the same is hereby, amended by striking out and repealing section 8 thereof.

§ 2. And said act is further amended by inserting between the words "years" and "shall," in the first line of section 9 thereof, the words "after July 1, 1888."

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1181.

AN ACT to provide libraries to county and circuit court clerks in Graves county.

WHEREAS, on the morning of the eighteenth day of December, 1887, the court-house in Graves county,

including the county and circuit clerks' offices, were destroyed by fire, and the greater part of the law libraries of said clerks' offices were destroyed. Now, in order to supply said offices with a law library,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Secretary of State be, and he is hereby, directed to furnish the offices of the county and circuit clerks of Graves county, each, a full set of the reports of the decisions of the Court of Appeals of Kentucky at the expense of the State: *Provided, however,* The same shall not be forwarded until the court-house and clerks' offices in and for said county shall be completed, or so far completed as to be ready for occupation by such clerks: *Provided,* That no volume shall cost more than five dollars: *And provided further,* Said county and circuit clerks shall furnish, under oath, a full and complete list of such reports belonging to their respective libraries as may have been saved, to the Secretary of State, who shall not be required to furnish such books as may have been saved, as shown by such reports.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1182.

AN ACT to incorporate the Sandusky Hotel Company,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. N. Sandusky, F. A. Sandusky, Thos. H. Hays, J. C. Downing, H. E. Robertson, be, and they are hereby, constituted a body-corporate, under the name and style of the Sandusky Hotel Company; and by that name may sue and be sued, implead and be impleaded; shall have succession; have a common

Names of incorporators and corporate powers.

seal, and alter or change the same at pleasure; may acquire and hold real and personal estate, and sell and convey the same, and shall possess such other powers as are consisted with the objects of this company.

§ 2. The management of this company shall be in-^{Management, who by.} vested in a board of five directors, elected by the stockholders annually; the directors shall elect from their number a president, vice-president and treasurer, and secretary and general manager; and until the first general election of officers herein provided for, the incorporators above named shall be the directors. In all elections and transactions of other business each member present shall be entitled to one vote for every share owned: *Provided*, That married women and infant members may vote by proxy.

§ 3. The capital stock of said company shall be ^{Capital stock.} twenty-five thousand dollars (\$25,000), to be divided into shares of one hundred dollars (\$100) each, and same may be increased to not exceeding five hundred thousand dollars (\$500,000), at the pleasure of a majority of the stockholders.

§ 4. The corporators above named shall open books ^{Subscription books.} for the subscription of said stock at such time and place as they may deem proper, and may commence business as soon as five thousand dollars' stock is taken and paid in.

§ 5. This company shall have power and authority to purchase and hold real estate in this and other States, and to erect and construct thereon buildings suitable for their business, and to sell or lease same, make deeds of conveyance, to be signed and acknowledged by the president and secretary, and take written obligations of purchasers to pay the purchase money by installments.

§ 6. The principal business of said company shall ^{Class of business.} be the erecting and constructing of hotels, lunch stands, etc., and the leasing or operating the same; the leasing of and operating the news and fruit

privileges on railroad trains, and the leasing of and operating dining cars on railroads.

§ 7. The principal place of business of said company shall be at Paducah, Kentucky, or such other place as the stockholders may select; and the private property of the stockholders in said corporation shall be exempt from payment or liability for corporate debts.

§ 8. The said corporators may make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

§ 9. The corporators shall have a lien for fare due them on the baggage or other personal effects of all guests or person stopping or receiving entertainment at the hotels, lunch stands, etc., of the said corporators.

§ 10. The board of directors may, from time to time, as in their discretion seems proper, make an assessment upon the capital stock subscribed of not exceeding twenty cents on the one hundred dollars at any one time, until the subscription is paid in full.

§ 11. This act to be in force from its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1183.

AN ACT to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the counties of Bell, Harlan, Perry and Leslie," approved February 9, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of intoxicating liquors in the counties of Bell, Harlan, Perry and Leslie," approved February 9, 1884, be, and the same is hereby, amended as follows, viz.: By striking out all of the second section of said

act, and inserting in lieu thereof the following: Any person violating the provisions of this act shall be deemed to have been guilty of a misdemeanor, and upon indictment of a grand jury, or by warrant before the county judge or any justice of the peace of Bell, Harlan, Perry and Leslie counties, and upon conviction thereof, shall be fined one hundred dollars.

§ 2. The act to which this is an amendment is further amended, the following: That any county or police judge, or any justice of the peace of Bell, Harlan, Perry and Leslie counties, who, from his own personal knowledge, or from information supported by the oath or affidavit of another, has cause to believe that the provisions of this act has been violated, shall forthwith issue a warrant for the arrest and trial of such offender, and forthwith place the same in the hands of some ministerial officer to be executed. Providing for arrest of violators.

§ 3. That it shall be the duty of any ministerial officer receiving such warrant to forthwith arrest such offender, and, if need be, he may summons the power of the county to assist in making such arrest. Duty of officer receiving warrant.

§ 4. That any officer named in this act as amended, who shall fail or refuse to discharge his duty as herein prescribed, shall be deemed guilty of a high misdemeanor, and, upon indictment and conviction, be fined one hundred dollars for each offense. Penalty for failure of officer to do his duty.

§ 5. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1184.

AN ACT for the benefit of Melville Phelps, jailer of Laurel county.

WHEREAS, Samuel Bernard was confined in the Laurel county jail, under an order of commitment of an examining court, on the charge of murder, without bail; and whereas, a writ of *habeas corpus* was,

on the petition of said Bernard and on his motion for bail, issued by the judge of the fifteenth judicial district, directing M. Phelps, the jailer of Laurel county, to produce the body of said Bernard before said judge at Barbourville, Knox county, a distance of twenty-four miles from London, Laurel county, for the hearing of said motion for bail; and whereas, said M. Phelps, jailer of Laurel county, employed two guards and hired a team to convey said Bernard to Barbourville, in obedience to said writ, and back to London, bail having been refused upon the hearing said writ, at an expense of thirty-two (\$32.70) dollars and seventy cents, which sum was allowed by the judge of the fifteenth judicial district, and certified to the Auditor for payment; but the Auditor refused to pay same, on the ground that there is no existing law authorizing the payment of same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Melville Phelps for said sum of thirty-two dollars and seventy cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1185.

AN ACT to authorize the clerk of the Lewis circuit court to make new indexes, direct and reverse, to suits determined and off the docket in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Lewis circuit court be, and he is hereby, authorized to make general, direct

and reverse, indexes to all the suits off the docket in his office, in well bound books (to be provided and paid for as other record books). Said index to show all the parties to each suit.

§ 2. The clerk of said court and his successors in office shall hereafter continue to keep up said indexes as fast as suits are determined and stricken from the docket.

§ 3. The county judge of said county of Lewis shall make a reasonable allowance for the services to be rendered under the first section of this act, to be paid out of the county levy tax of said county.

§ 4. This act shall take effect from its passage.

[Became a law without approval of Governor April 21, 1888.]

CHAPTER 1186.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester," approved February 2, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the board of councilmen of said town shall have repaired or constructed any sidewalk or sidewalks in front of or binding on any real estate within said town, in accordance with any ordinance passed by them in pursuance of the power granted to them by said act and the amendments thereto, they shall have, in addition to the remedies therein granted, a lien upon said property thus improved for the amount of the cost of said repairs or construction, with ten per cent. thereon and the cost of any suit.

§ 2. That if the owner of said property fail, for six months after the completion of said improvements, to pay said board the aforesaid amount, then the said board shall have the right to enforce said

lien by proper proceedings in equity in the circuit or common pleas court of Clark county.

§ 3. That nothing herein shall change or abridge the remedies now allowed by law for the collection of such demands by said board.

§ 4. That this act shall take effect from and after its passage.

Approved April 20, 1888.

CHAPTER 1187.

AN ACT to amend an act to incorporate the town of Central City, in Muhlenberg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the charter of Central City is hereby amended as follows :

Boundary.

§ 1. Boundaries as follows : Beginning at the west side of an open culvert on the Chesapeake, Ohio and Southwestern Railroad, one hundred and fifty-three poles east of crossing of the Chesapeake, Ohio and Southwestern Railroad with the Owensboro and Nashville Railroad ; running thence south 2°, 47', east seventy-four poles to the east end of a lane ; thence south eleven one-fourth, east one hundred and forty-four poles to a hickory, dogwood and double white oak ; thence due west fifty-two poles to a gum ; thence north fifty-seven, west fifty-eight poles to a black gum ; thence south seventy-five and one-half, west thirty-six poles to a hickory, sweet gum, chestnut and small black oak ; thence south twenty-six and one-half, west ninety-six poles to three small black oaks on the Holland road, being the south corner of Peter Miller's four and one-half acres ; thence with said Miller's line, north forty-nine and one-fourth, west eighteen poles to a point on Ross' line ; thence with Ross' lines south forty-eight, west one hundred and

thirteen poles to two small black oaks, Gossett's corner ; thence north forty-one, fifteen west one hundred and twenty-one poles to two black oaks on the Greenville road, being the south-eastern corner of the two hundred and sixty-five acre tract of land bought by the Central Coal and Iron Company from B. J. Shaver ; thence north fifty-seven, thirty west one hundred and six poles to two beeches ; thence south eighty, fifteen west fifty-six poles to two beeches ; thence north twenty-two, fifteen east two hundred and six poles ; thence north 87°, fifty-five east, ninety six poles to a rock corner ; thence north thirty-three and three-fourths, east eight and one-half poles to a stake ; thence north 33°, 23' east ninety-five poles to a stake ; thence south seventy, twelve east two hundred and fifty-three poles to the point of beginning.

§ 2. Said town of Central City shall have a lien on Lien for taxes. all the personal property in said town of any person, firm, or corporation liable to pay any tax or license mentioned in said charter, and to enforce the payment of such tax or fee shall have the right and power, by its marshal or tax collector, to levy upon so much of said property as may be necessary to pay said taxes and fees, and sell the same as now directed by law Sales. for levying and selling property for taxes. Said town may become the purchaser of any such property, through any person authorized to bid for it by the board of trustees. Such sale shall be made only after Notice. notice of the time and place of sale has been given by three insertions in some newspaper published in Central City, if there be a paper published there ; if not, by advertisements posted up in said town of the day of sale, such advertisements to be posted up three weeks next before said sale. Said town may also sue for such taxes in said police court, or the circuit court of the district in which said town is situated, and said remedy by suit is additional to that by the sale heretofore mentioned ; real property to be sold only by order of the circuit court, in conformity with the gen-

eral law on such sales. Any real estate property bought in by said city shall be subject to redemption at any time within two years, by the party paying twenty per cent. on the cost paid by said city and interest on the purchase price.

May purchase
property.

Condemn.

§ 3. To procure for municipal purposes within said town of Central City, the general council may, by ordinance by the board of trustees, authorize the police judge to purchase, at a stated price, any designated property for a specified purpose; and the police judge may tender to the owners of the property, if adults, the money at said price, and make the purchase, if assented to; but if the owners refuse to sell at such price, the property may be condemned by proceeding for that purpose in the name of the town of Central City against all owners interested in said property, or any part thereof, in the circuit court of Muhlenberg county, or any court of competent jurisdiction; and such court shall make all such orders, rules and judgments, as will secure a fair trial by an impartial jury of not less than six freeholders of said town, who shall be sworn in such form as the court may direct, and say by their verdict what compensation the respective owners shall have for the property proposed to be condemned, including damages, if any, occasioned by such taking; and upon such inquest the court shall make its judgment of condemnation, to take effect upon the payment of the money in pursuance of the judgment, unless for objections made and cause shown, within ten days after such inquest, the court, in its discretion, shall rule or order otherwise. All costs of the proceedings shall be paid by the town of Central City. Either party may except to the proceedings, and have the right of appeal, as in case of other final orders or judgments.

Bonds required
of saloon and
hotel-keepers.

§. The board of trustees of the town of Central City may require bond, with good security, in the sum of one thousand dollars, conditional that all saloons or restaurants or hotels, where liquors are

sold by the drink, shall be closed at eleven o'clock at night, and not opened sooner than five o'clock in the morning, and that section 16 of said charter is amended and changed to read that coffee-house license shall not be less than two hundred dollars, or more than five hundred dollars; and all restaurants or hotels selling liquor at retail by the drink shall pay the same as coffee-houses.

§ 5. That, in addition to the powers now conferred Police judge. on the police judge of said town of Central City, he shall have the right to try cases for the unlawful sale of spirituous, vinous or malt liquor, and impose a fine for same, which may be collected as other fines for violating any part of its present charter.

§ 6. Said charter of Central city is hereby amended to make any male citizen over twenty-one (21) years of age, of the town of Central City, eligible for the position of town marshal.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 20, 1888.

CHAPTER 1188.

AN ACT to change the line between common school district No. 1, in Montgomery county, and common school districts Nos. 6 and 26, in said county, for the benefit of J. Q. Stephens, James Kash and H. C. Rainey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lines between common school district No. 1 (which is the Mt. Sterling school district) and common school districts Nos. 6 and 26, in said county, be so changed that the lot and residences thereon of the following-named persons be, and they are, included in said district No. 1, to wit: J. Q. Stephens, at the south or south-eastern side of and adjoining said district No. 1, and James Kash and H. C. Rainey on the

north or north-western side of and adjoining said district No. 1; also Mrs. Eliza Anderson be transferred from district No. 2 to said district No. 1, and David Curry.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 20, 1888.

CHAPTER 1189.

AN ACT to provide for the working of persons committed to the custody of the jailer of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter, when there shall have been a fine assessed against any male person by any court or jury in the county of Greenup, it shall be the duty of the court or officer trying the case, unless for good cause, to enter a judgment to the effect that, in case the defendant fails or refuses to pay or replevy the same, that he shall be confined and kept at hard labor upon the public roads of the county in which he is fined, or upon any street or alley of any town of said county, at the rate of one dollar per day, until the whole amount of the fine be paid; and he may be allowed to pay or replevy fine and cost at any time after he has begun work; clerk, other officer or court, to which the payment is made, or that takes the bond, may deduct from the fine the time the defendant worked, and take payment or bond for the balance of the fine and cost.

§ 2. That it shall be the duty of the jailer of the county, when any male person has been committed to their custody upon a fine, wherein the working penalty has been adjudged against any male person, to work said person, or cause the same to be done by his deputy or other reliable man, in compliance of

said judgment; and he may place said person in chains, or may put a ball and chain on said person for disobedience or other good cause, and the jailer, or his deputy or other reliable man, shall receive, as compensation for their services, where they work only one prisoner at a time, not exceeding seventy-five cents for each day he works said prisoner; and in case he has more than one at any one time, he may be allowed one dollar per day for working all such prisoners, to be allowed by the court of claims of Greenup county and paid out of the county levy.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved April 20, 1888.

CHAPTER 1190.

AN ACT to incorporate the Mignonette Music and Social Club.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Phillip Schmidt, Phillip J. Horn, Chas. H. Bigler, F. W. Smith, Wm. W. Lee, and their successors, be, and they are hereby, created a body-politic, to be known by the name, style and title of "The Mignonette Music and Social Club," and by such name and title shall have perpetual succession, and be capable in law of suing and be sued, pleading and being impleaded, of purchasing, leasing, holding, granting, receiving in its corporate name such property, real and personal, as may be necessary for its corporate purposes, under such rules and regulations as the corporation may enact, and not in conflict with the laws of this State or of the United States.

§ 2. The object of the corporation shall be to cultivate and encourage the study of music, to give social entertainments, and perfect an organization for the enjoying of the mutual benefits arising from an interchange of social amenities.

§ 3. The officers of said corporation shall consist of a president, vice-president, secretary and treasurer, who shall be elected by the members and officers of said corporation, at such times and places as they may elect, and who shall hold office until their successors are duly elected, qualified and installed into office.

§ 4. The place of business of said corporation shall be in the city of Louisville, Kentucky.

§ 5. Said corporation may provide by-laws for the better carrying into effect the provisions, purposes and objects of this charter, and for holding meetings and so forth, and provide such dues and fees as may be necessary to this end.

§ 6. The private property of the members of the corporation shall be exempt from the corporate debts of the members and officers.

§ 7. This act shall take effect from and after its passage.

Approved April 20, 1888.

CHAPTER 1191.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to empower the county court of Bourbon county to make subscriptions to the capital stock of turnpike roads in said county.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to amend an act, entitled 'An act to empower the county court of Bourbon county to make subscriptions to the capital stock of turnpike roads in said county,' " approved January 16, 1868, be amended by striking out the words "one thousand dollars," where they occur therein, and inserting in lieu thereof the words "twelve hundred and fifty dollars."

§ 2. This act shall be in force from and after its passage.

Approved April 20, 1888.

CHAPTER 1192

AN ACT to amend the charter of Auburn.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the town of Auburn shall have power to require the owners of town lots in said town to make, repair, and keep in repair, the sidewalks in front of or binding on their lots in said town ; and may require such sidewalks to be made of brick, stone, gravel, cinders or plank, as the trustees may direct ; and said trustee shall have power to prescribe the width, grade and material to be used in both sidewalks and curbing to said sidewalks ; and if any owner of any lot or lots in said town shall fail to make or repair the sidewalks in front of or binding on their lot or lots in said town for forty days after the owner or occupant of said lot or lots shall have been notified by the board of trustees, then the board of trustees shall have power to cause said sidewalks to be made and repaired as aforesaid, at their own expense, and may sue the owner of the property, whose duty it was to make, repair, and keep the same in repair, and recover the amount so expended by them in making and repairing the same, and costs of suit, in any court of competent jurisdiction

§ 2. This act shall take effect from its passage.

Approved April 20, 1888.

CHAPTER 1193.

AN ACT to incorporate the Deposit Bank of Jellico.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. E. Redfield, of Connecticut, Benjamin Crawford, of Illinois, B. R. Hutchcraft, A. Gatliff

Corporators.

and W. R. Thompson, of Kentucky, and their associates, successors and assigns, be, and are hereby, created a body-politic and corporate, by the name and style of the Deposit Bank of Jellico; the capital of which shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies and corporations, in the manner hereinafter specified; which subscribers and share-holders, their successors and assigns, are hereby created a body-politic and corporate, by the name and style aforesaid; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, as natural persons; with full power to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate, goods, effects and chattels, as shall be necessary for the transaction of its business (provided, the value thereof shall not exceed twenty-five thousand dollars), or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt, or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; but real estate purchased by it in satisfaction of any debt, judgment or decree, shall not be held by it for a longer period than five years; and said institution may have and use a common seal, change, alter and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations, for the government of the same as may be deemed necessary: *Provided*, They be not contrary to the Constitution and laws of this State or of the United States.

§ 2. The institution shall not at any time owe, either by bond, bill, note or other contract, an amount exceeding the amount of capital stock actually paid in,

Corporate name.

Shares.

Powers.

By laws.

Indebtedness
limited.

exclusive of sums due on deposit; and in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act, by which the excess is about to be contracted or created, he or they shall not be liable under this section if he or they shall, within ten days from the creation of excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the county; and, moreover, within ten days give notice thereof in some newspaper printed in the county, and shall in said notice call a meeting of the share-holders, which they are hereby authorized to do.

§ 3. That the business of the institution shall be to receive money on deposit, upon which it may pay an interest to the depositor of not more than six per cent. nor less than one per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount bills of exchange; the promissory notes made payable to any person or persons or order, or payable to this institution or order, and negotiable and payable at their bank, or at any bank or office of discount and deposit, and indorsed to and discounted by said institution, shall be, and are hereby, placed upon the same footing as foreign bills of exchange; to buy and sell for its own purposes, for compensation, on commission, bonds, stocks, and securities, and to do a general banking business.

Nature of business.

§ 4. Said institution shall not at any time fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and in case the officers, in the usual business hours at their banking-house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages at the rate of twelve per cent. per annum on the amount thereof from the time of such failure, refusal or delay, until payment thereof.

Directors. § 5. That the real and personal estate, business, property, funds and prudential concerns of said institution shall be under the direction and control of five directors, who shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this State and citizens of the United States, and after the first election they shall be elected annually on the second Monday in January. Each

Terms of office. director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections after the first shall be conducted by two at least of the stockholders, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice

Election. of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any other bank shall be eligible as a director in this institution, and any director becoming a director or officer of another bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, or shall one partner, while another is a director in another bank, be eligible as directors in this institution at one and the same time; and if the president or any director or officer of this institution shall fail or become insolvent, after his election or appointment, he shall become incapable to serve, and shall be

held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director or other officer, until all his debts are paid, or he be fully discharged from same. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday of the succeeding month, and said election shall be conducted as required in the regular elections.

§ 6. That at all meetings of the stockholders, and ^{Votes.} at all elections under this charter, each share-holder shall be entitled to one vote for every share held in his own right. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote ^{Proxy.} may do so in person or by proxy, such proxy being granted to a stockholder who is not either president, director or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

§ 7. That the directors shall elect one of their own ^{President.} number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president *pro tem*. They shall fill all vacancies which may occur in their ^{Vacancy.} own body, and appoint such officers, clerks and ser- ^{Officers.} vants as deemed expedient, fix their compensation, ^{Salaries.} define their powers and prescribe their duties, and shall require of them such bonds, penalties and securities as deemed requisite for the security of the institution, which bonds shall be examined at least once a year, and be renewed, from time to time, so as to secure the institution from loss; and all such officers

shall hold their places during the pleasure of the board.

Quorum.

§ 8. The president and directors, any three of whom may constitute a quorum for the transaction of business, may, from time to time, make such by-laws, rules and regulations, for the government of the institution as deemed expedient, not contrary to the provisions of this charter or the by-laws and rules which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided*, For that purpose a concurrence of a majority of all the directors shall be necessary.

Voting, how done.

§ 9. The president and directors shall hold stated meetings at least once a year, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce*, and the yeas and nays on any proposition submitted shall be entered on record at the request of any member, and no vote shall be reconsidered when a less number is present than when the vote was given.

Examinations.

§ 10. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution; and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Officers prohibited from carrying on other business.

§ 11. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

Records.

§ 12. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded, at any regular meetings.

§ 13. The president, cashier and other officers, Officers take oath before entering upon the discharge of their respective duties, shall take an oath before some judicial officer faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

§ 14. This institution shall not contract for or re- Interest. ceive a greater rate of interest than at the legal rate per annum for the loan or use of money; and interest on promissory notes negotiable and payable at the same, and there discounted, shall be calculated on the true time such notes have to run.

§ 15. The president and directors shall issue certifi- Certificates of stock. cates of stock to the holders thereof for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe. Certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable when made payable to order.

§ 16. The general meeting of the stockholders shall Annual meetings be held annually on the second Monday in January in each year, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called, as provided in this charter, or by the president and directors when they deem it desirable, or by any number of stockholders the by-laws shall require.

§ 17. That the persons above named are hereby con- Commissioners open books. stituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to

exercise the powers and perform the duties required by this section.

§ 18. The said commissioners shall have power, and they are hereby authorized and required, on the second Monday in May next, or at such other time within one year thereafter as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper, for the subscription of the capital stock of said institution, and cause books to be kept open from ten o'clock A. M. until two o'clock P. M., for at least ten days, or until at least one hundred shares shall have been subscribed, when the same may be closed; and if more than two thousand shares shall have been subscribed by individuals, companies and corporations, the commissioners shall deduct the excess from the largest subscription in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 19. That if the whole two thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the reopening of the books as they shall deem right, and such premium shall be the property of the institution.

§ 20. That when not less than one hundred shares of the capital stock shall have been taken, it shall be their duty to give notice in some public newspaper, and appoint a day for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least

three of said incorporators shall act as inspectors of said election.

§ 21. That the payment of the shares of the capital stock held by individuals, companies and corporations, shall be made at the time and in the manner following, viz: Five dollars on each share to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, That the board shall have power to prolong the time for the payment of each installment after one-half of the amount of each share shall have been paid.

§ 22. Should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as herein provided, the president and directors, first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and, all partial payments made on any stock which shall be forfeited shall be so sold for the benefit of such stockholder.

§ 23. That so soon as ten thousand dollars of the capital stock shall have been subscribed by individuals, companies or corporations, as heretofore required, the president and directors shall cause some suitable person to count the money paid in, and to certify the same to the president and directors; and when he shall so certify, and upon such appearing to be the fact, the said institution is then hereby authorized to commence business.

§ 24. This act shall be in force from its passage, provided an organization is effected within twelve months from its approval by the Governor; but if no organization is effected within the above-specified time, this act shall be void.

Approved April 20, 1888.

CHAPTER 1194.

AN ACT still further to amend the tax laws of city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act of May 12, 1884, entitled "An act to amend and revise the tax-laws of the city of Louisville," be amended as follows :

1. In article 1, section 3, after the words, "further support of the high schools and common schools," strike out "not more than thirty cents," and insert "thirty-three cents and a half." In the same article add: "The general council may also levy not more than twenty cents on the one hundred dollars in value for the construction of sewers."

2. In article 1, section 4, after the words "for school purposes," strike out "thirty cents," and insert "thirty-four cents;" after the words "for subscription to the Elizabethtown and Paducah and Louisville, New Albany and St. Louis Railroads, as long as these taxes are needed, thirty cents;" add the words, "after the fiscal year ending in 1888, fifteen cents; after the fiscal year ending in 1891, ten cents." In the same section, after the words "for the house of refuge," strike out "two cents," and insert "four cents."

3. In article 1, section 5, after the clause "all household goods, including, besides those commonly known as such, gold and silver plate, pictures, statuary and private libraries, and domestic animals, in excess of three hundred dollars," add the clause, "but this deduction of three hundred dollars shall be made only in favor of a person with a family, and in no case in favor of partnerships and corporations."

4. In article 2, section 6, in the clause, "whenever, by the complaint of the party assessed or otherwise, it appears that any property has been assessed in a name other than that of the owner or holder, the city

assessor shall, after notice through the mail to the owner or holder, make the correction," insert the words, "at the time of the notice," before the words, "make the correction," instead of inserting them where they were erroneously inserted by a former amendatory act.

5. In article 2, section 8, after the words, "the assessor shall, during the month of December in each year," and before the words "make out the tax bills," insert these words, "or as soon as the rates for the coming year are fixed, begin to —" and after the words "according to the ordinances of said city levying taxes for the corresponding year," add these words, "or according to the legislative levy, as the case may be."

6. In article 4, section 1, strike out "during the month of December in each year;" also the words, "according to law and the levy ordinances of the city."

7. In the last-named section, in the clause, "those paid in January shall be reduced by a discount of three per cent.," insert after "January" these words, "or the first ten working days of February," and before the word "February" insert "the rest of."

8. After section 7 of article 4 add the following words: "When, for taxes assessed against a decedent the city seeks only the enforcement of the lien on the lands or improvements, or lands and improvements assessed, the statutory affidavit and demand need not be made before beginning or reviving a suit, nor in support of the claim."

§ 2. Tax bills heretofore issued under the legislative levy made by article first, section fourth of said act, shall be as valid as if the amendments hereinbefore numbered 5 and 6 had been originally parts of said acts.

§ 3. The clerical error in section six of an act, entitled "An act to improve the tax system of the city of Louisville," of May 11th, 1886, in the words "under

or by order of any ordinance," is hereby corrected, so as to make the clause read, "under or by color of any ordinance."

§ 4. In place of article first, section nine, of an act, entitled "An act to revise and amend the tax laws of the city of Louisville," approved May 12, 1884, and of an act, entitled "An act concerning license taxes in the city of Louisville, approved May 8th, 1886," it is enacted as follows: The general council of the city of Louisville shall, by ordinance, provide for the following licenses, to be paid into the sinking fund, with adequate penalties, for doing business or using, holding or exhibiting the articles herein named without the required license: For every hawker, huckster or peddler, not less than five dollars, nor more than one hundred dollars; any other merchants or dealers (except as hereinafter provided for), not less than five dollars nor more than twenty-five hundred dollars. In grading the licenses, the general council shall impose a tax of not less than one dollar on every thousand dollars, or fraction thereof, of yearly sales of all commodities, and shall collect the yearly tax within the above limits, at the end of the year, for the excess of sales over the estimate made at the time of issuing the license.

For any theatrical exhibition, lecture, show, circus, flying-dutchman, menagerie, ball entertainment, or performance in the city for pay, such sum of not less than five dollars nor more than one hundred dollars a day, as the general council may, by ordinance, prescribe; but a yearly license may be granted to a theatre at not less than two hundred dollars nor more than three hundred dollars.

For each vehicle running in said city, not less than two dollars nor more than thirty dollars per annum; and vehicles thus licensed shall not be subjected to an ad valorem tax.

For every lottery office, two hundred dollars per annum.

For each billiard-table, pool-table, bowling-alley, or shooting-gallery, not less than twenty dollars nor more than one hundred dollars.

For each tavern, hotel, public boarding-house, or place of public resort or entertainment, wherein no malt, fermented, spirituous liquors or wine are sold, not less than ten dollars nor more than seventy-five dollars.

For each tavern, hotel, coffee-house, club-room, or other establishment, wherein malt, fermented or spirituous liquors or wine are sold by retail in said city, not less than seventy-five dollars nor more than one thousand dollars; all sales of less than a quart to be considered to be by retail.

For each real estate office, house agent, loan-broker, or livery stable, not less than ten dollars nor more than one hundred dollars.

For each rendering or tanking-house, pork-house, or other meat-packing house, or dealer in live stock, not less than ten dollars nor more than five hundred dollars.

For each pawnbroker, not less than two hundred dollars nor more than five hundred dollars.

For each insurance office or insurance agency, a separate license to be taken out for each insurance company represented, and for every agency not less than one hundred dollars nor more than three hundred dollars a year; the company, as well as the agent of a foreign company, or the chief officer of a home company, to be responsible for acting without license and subject to the penalty therefor.

For each intelligence office, claim agent, mercantile agent, collecting agent, commercial agent, stock and bond broker, merchandise broker, street broker or exchange broker, not less than ten dollars nor more than five hundred dollars.

For each bank or banking-house, not less than fifty dollars nor more than five hundred dollars.

For each telephone or telegraph company, not less

wells for the purpose of producing such petroleum, natural gas and salt water, or either; and also to construct, lay, maintain and operate derrick, pipes, buildings, machinery, tanks, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances, in or by means of which such petroleum, natural gas, salt water, or either, may be produced, stored, distributed, sold or utilized; and to construct, lay and operate conduit pipes of any kind, and any other suitable means for the conveyance, distribution, storing, sale and utilization of the same, either upon, under, to or from any of said lands or other places.

May open
streets, alleys,
parks, etc.

§ 5. With the consent of the city of Owensboro, by ordinance or resolution of its general council, subject to reasonable regulations aforesaid, the said company shall have power to open the ground in any street, alley or park, or other public places, within said city limits, and lay thereon, remove, alter and repair such pipes for so constructing and distributing said natural gas; restoring such ground, however, and any pavement or other improvement thereon, to as good condition as before, within a reasonable time thereafter; and in doing the acts in this section mentioned, said company shall do no injury to any gas or water pipe, or connection or sewer, laid within said ground, and shall be liable in damages for any such injuries to said city, or any other corporation or person sustaining the same.

Lease and, use of
land, etc.

§ 6. In order, for the conveyance of such natural gas to said city of Owensboro, or to the Falls of Rough, or Calhoon, Kentucky, or other town or city in the counties of Daviess, McLean, Ohio, Grayson or Breckinridge, or to the manufactories aforesaid in said counties, or either, said company shall have power to acquire by purchase, gift, or as hereinafter provided under the law or general law of this Commonwealth, the use of any land along such route or routes in said counties, or either of them, as may be

secretary of the sinking fund. The treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, recommend to the general council the grade in which the applicant shall be classed under the ordinance of said city when the application is to license a tavern, coffee-house, or other place wherein spirituous, fermented, malt or vinous liquors are sold. In granting all other licenses, the treasurer and secretary of the sinking fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within ten days, to appeal, in writing, to the commissioners of the sinking fund from the action of the treasurer and secretary, and the commissioners shall have power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation, is based upon or regulated by the amount of sales effected or business transacted, such person, firm or corporation, shall render a sworn statement to the treasurer and secretary of the sinking fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be renewed. The general council may also levy a yearly license tax, of not less than two dollars, on dogs, as under section 8 of the charter of 1870. The enforcement of the license law and collection of the tax on licenses shall remain, as heretofore, under the control of the commissioners of the sinking fund. The ordinances on this subject now in force shall remain in force, as far as compatible with this section, until repealed by the general council.

§ 5. All provisions hereof referring to the liability of property to assessment shall go into effect with the next general assessment after the passage of

this act; and the assessor shall have power, in the proper cases, to make, in the schedules prescribed by ordinance, the changes necessary under this act. The abolition of the payments heretofore made from the sinking fund for the benefit of the school fund shall take effect January 1, 1889; otherwise this act shall go into effect from its passage.

Approved April 20, 1888.

CHAPTER 1195.

AN ACT to incorporate the Artesian Oil and Natural Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. M. Field, S. M. Deane, R. S. Triplett, J. D. Powers, R. S. Hughes, G. V. Triplett, G. W. Gates, J. A. Fuqua, J. A. Hickman and Sam Elliott, and their associates and assigns, are, be, and they are hereby, incorporated by the name and style of the Artesian Oil and Natural Gas Company; and by such name shall have perpetual succession, with all the rights and privileges of a body-politic and corporate, to contract and be contracted with, sue and be sued; to have and to use a common seal, and the same to alter and amend at pleasure; to take, hold, own and in anywise alien property, real, personal and mixed, necessary to the conducting of its business, and to establish by-laws and make rules and regulations for the management of its affairs, not inconsistent with the Constitution and laws of the State of Kentucky or of the United States.

Names of incorporators and corporate powers.

§ 2. The business of the said corporation shall be conducted by a board of directors of not less than seven directors, who shall be elected for a term of one year, or until their successors are elected and qualified. The stockholders shall meet within thirty days

Management of affairs by whom.

after their organization and elect a board of directors, and shall elect from the said board of directors one of its members for president and vice-president. The board of directors may elect such persons as they may select and deem proper for the place of superintendent, secretary and treasurer, or they may elect one person to the place of secretary and treasurer. The meeting of the board shall be held in Owensboro, Kentucky ; said meetings shall be called by the president of said company, and in his absence by the vice-president. The powers, duties and compensation of the officers shall be prescribed by the board of directors. In all meetings of the stockholders, when properly called, they shall vote in person or by written proxy, and shall be entitled to one vote for each share of stock held by said stockholder. A notice of all meetings called for stockholders shall be published in one newspaper published in Owensboro, and the notice shall be so published five days previous to said meeting.

§ 3. The capital stock of said company shall be five Capital stock. hundred thousand dollars, divided into shares of one hundred dollars each, which shall be considered personal property, and subscribed, paid for and paid in the manner provided for in the by-laws of the company. The stockholders may, by a two-thirds vote, at a meeting called for that purpose, increase the capital stock to a sum not greater than one million dollars.

§ 4. Said company is empowered to develop, pro- Class of business duce, utilize, convey and sell, or in any way otherwise dispose of petroleum, natural gas, salt water, or any of them which may be upon or come from any of the lands of which said company may own, lease or control in the counties of Daviess, McLean, Ohio, Breckinridge or Grayson, in the State of Kentucky, or upon which, for any of said purposes contemplated by this act ; and to these ends said company is empowered to drill, bore or in anywise sink and maintain

wells for the purpose of producing such petroleum, natural gas and salt water, or either; and also to construct, lay, maintain and operate derrick, pipes, buildings, machinery, tanks, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances, in or by means of which such petroleum, natural gas, salt water, or either, may be produced, stored, distributed, sold or utilized; and to construct, lay and operate conduit pipes of any kind, and any other suitable means for the conveyance, distribution, storing, sale and utilization of the same, either upon, under, to or from any of said lands or other places.

May open
streets, alleys,
parks, etc.

§ 5. With the consent of the city of Owensboro, by ordinance or resolution of its general council, subject to reasonable regulations aforesaid, the said company shall have power to open the ground in any street, alley or park, or other public places, within said city limits, and lay thereon, remove, alter and repair such pipes for so constructing and distributing said natural gas; restoring such ground, however, and any pavement or other improvement thereon, to as good condition as before, within a reasonable time thereafter; and in doing the acts in this section mentioned, said company shall do no injury to any gas or water pipe, or connection or sewer, laid within said ground, and shall be liable in damages for any such injuries to said city, or any other corporation or person sustaining the same.

Lease and, use of
land, etc.

§ 6. In order, for the conveyance of such natural gas to said city of Owensboro, or to the Falls of Rough, or Calhoon, Kentucky, or other town or city in the counties of Daviess, McLean, Ohio, Grayson or Breckinridge, or to the manufactories aforesaid in said counties, or either, said company shall have power to acquire by purchase, gift, or as hereinafter provided under the law or general law of this Commonwealth, the use of any land along such route or routes in said counties, or either of them, as may be

selected by said board of directors of said company, to lay, maintain, and repair such pipes and any buildings, retorts, and any other apparatus needed to be used in order to the proper and economical conveyance of such gas as aforesaid, and in order to such acquisition, by such proceedings as aforesaid of such use of land. Said company shall cause such use of in order and under only so much land as it may fairly deem necessary therefor, to be valued, condemned, and by it paid for in the manner provided for by law relating to such acts.

§ 7. Private property of the incorporators and stockholders of said company shall be exempt from its corporate debts and liabilities. Exemption of private property

§ 8. This act shall take effect from and after its passage.

Approved April 20, 1888.

CHAPTER 1196.

AN ACT to incorporate the Lexington Model and Machine Works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. E. Scott, T. G. Saxton, Ulrich Wassmer, M. P. Robinson, their associates and successors, be, and they are, created a body-politic and corporate, under the name of the "Lexington Model and Machine works," and are made capable of contracting and being contracted with; by the said name are made capable in law to sue and be sued, to plead and be impleaded, in any court in this Commonwealth or elsewhere; and to adopt, amend and put in operation by-laws for the government of the said corporation not inconsistent with this charter, the Constitution and laws of this State, or the United States.

§ 2. The capital stock of the said corporation shall

consist of one hundred thousand dollars, in shares of one hundred dollars each; and the said corporation is authorized and empowered to purchase patent rights or other property with said shares, or to sell the said shares at or below the par value thereof, and to give a complete title thereto; the above named incorporators, or a majority of them, may meet at any time after the passage of this act and organize the said corporation by the election of four directors, and the said directors shall elect from their number such officers as may be necessary to conduct and manage the business of the corporation, and may require them to execute bonds for the faithful performance of their duties; the said officers and directors to hold their offices for one year, and until their successors are duly qualified and elected; upon all questions upon which the stockholders have a right to vote, they shall be entitled to one vote for each share of stock held by them, and may authorize their votes to be cast by proxy; the forms of the certificates of stock, and the manner of the transfer thereof, shall be fixed by the directors.

§ 3. The purpose for which said corporation is created is to make models of inventions in wood and metal, to purchase patents for inventions, and to manufacture the same; and to make all kinds of machinery, and do other mechanical work, and sell the same in the markets of the world; and the said corporation is authorized and empowered to do the things herein enumerated.

§ 4. Stockholders shall be liable for the obligations of the corporation to the extent of their interest in the same, but no further.

§ 5. This act shall take effect from its passage.

Approved April 21, 1888.

CHAPTER 1197.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Brownsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful to elect the person holding the office of county judge of Edmonson county court police judge of the town of Brownsville, and when so elected shall have all the power and authority conferred by law as police judge of Brownsville.

§ 2. This act to take effect from and after its passage.

Approved April 20, 1888.

CHAPTER 1198.

AN ACT to amend the charter of the town of Simpsonville, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to consolidate and reduce into one the several acts in relation to the town of Simpsonville, in Shelby county, passed at the present session of the General Assembly, be so amended as that the election shall be held on the first Saturday in June, 1888, as provided therein, instead of on the first Saturday in March, 1888, as provided in said act to which this is an amendment.

§ 2. This act shall take effect from its passage ; and all acts in conflict therewith are repealed.

Approved April 20, 1888.

CHAPTER 1200.

AN ACT to amend an act "Incorporating the Elkton public school district."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Annual assessment and levy.

§ 1. That in the event the annual assessment and levy for the raising of the requisite amount of tax to pay the interest on the bonds issued and sold under the act incorporating the Elkton public school district is not made, on account of there being no quorum in the board of trustees of said school district, occasioned from death or resignation, or refusal upon the part of those legally selected to qualify as trustees under said act, it shall be the duty of the judge of the Todd circuit court to make said levy according to the provisions of said act of incorporation, as if made by the trustees thereunder, and cause the tax collected under said levy to be applied to the payment of the interest on said bonds as it becomes due.

Circuit judge governed by assessment.

§ 2. In making the levy on the taxable property within said district, subject to taxation under said act, said circuit judge shall be governed by the assessment for that year, as made and returned by the assessor of Todd county in assessing the property of said county for county and State purposes.

Office tax collector.

§ 3. If the office of tax collector for said school district is vacant on account of there being no quorum in said board of trustees to appoint a collector under said act, it shall be the duty of the sheriff of Todd county, under the directions of the said circuit judge, to collect said tax levied for the payment of said interest as it matures on said bonds, and pay the same over to the treasurer of said Elkton public school district; and shall receive for collecting said tax the same compensation allowed sheriffs for the collection of the revenue

for the State. Said sheriff and his sureties on his official bond shall be liable for all money collected by him under this act.

§ 4. That this act shall take effect from its passage.

Approved April 20, 1888.

CHAPTER 1201.

AN ACT to amend an act, entitled "An act to incorporate Hickman College," approved March 2, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the act to incorporate Hickman College, in Fulton county, chapter 376, approved March 2, 1888, be, and the same is hereby, amended.

§ 1. That in section three the words, "in corporated Strike out a part of section 3. limits of city of Hickman," where they occur, shall be stricken out, and inserted in lieu thereof, each time, the words, "the present school district number sixteen in which said city of Hickman is situated."

§ 2. Said city of Hickman College bonds, when Bonds issued by city. issued by the city council, shall be free from and exempt from said city taxation.

§ 3. At the first regular election for trustees of said college there shall be elected nine trustees, and the three persons receiving the greatest number of votes at said election shall hold said office for three years; the three receiving the second greatest number of votes shall hold said office for two years, and the three receiving the third highest number of votes shall hold office for one year; and at each annual election thereafter shall be elected three trustees to fill the place of those whose terms expire, and who shall hold office for three years. Election of trustees.

§ 4. This act shall be in force from and after its passage.

Approved April 20, 1888.

CHAPTER 1202.

AN ACT to repeal all acts in force at present relating to the regulation or prohibition of the sale, barter, or exchange and traffic in spirituous, vinous or malt liquors in the county of Greenup, and to provide for licensing the sale of the same.

WHEREAS, Prohibitory and local option laws have been in force in the county of Greenup for some years, and having failed to prevent to any marked degree the evils which it was claimed they would remedy, but, on the other hand, places at which intoxicating liquors can be obtained has increased, and public sentiment being against the enforcement of the present laws regulating the sale thereof, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all acts or parts of acts relating to the regulation or prohibition of the sale, barter, exchange and traffic in all spirituous, vinous or malt liquors, or any mixture thereof, in Greenup county, is hereby repealed.

§ 2. That it shall be the duty of the judge of the county court to grant a license to any reputable person or persons to sell spirituous, vinous or malt liquors, in said county or towns in said county: *Provided*, That a sum shall be charged not exceeding that charged by the State as a license for the sale of said spirituous, vinous or malt liquors: *And further provided*, That the trustees or board of council in any town in the county shall grant a license to any reputable person or persons to sell spirituous, vinous or malt liquors, and shall charge for the same not to exceed one-half the amount charged by the State.

§ 3. This act shall not be considered as affecting any of the provisions of the general laws of the State, but, on the contrary, is intended to place the control of the sale, and punishment for the violations of the

general laws of the State within the provisions of said general laws.

§ 4. This act shall take effect from and after its passage.

Approved April 21, 1888.

CHAPTER 1203.

AN ACT to amend an act, entitled "An act to incorporate the Richmond, Nicholasville, Irvine and Beattyville Railroad Company," approved March 10, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Richmond, Nicholasville, Irvine and Beattyville Railroad Company is hereby so amended as to authorize and empower said railroad company to extend, construct and operate its railway from the terminus on the Woodford county line, now fixed by its charter, across Woodford county to a point at or near Versailles, and from the terminus at or near Beattyville, now fixed by its charter, across the county of Lee, in the direction of Breathitt county; thence along or near one of the forks of the Kentucky river, through Breathitt county, or to such point therein as said company may designate as its terminus: *Provided*, It shall not be lawful for Woodford county to subscribe any additional sum to the capital stock of said company, nor for Breathitt county to subscribe for an amount exceeding fifty (\$50,000) thousand dollars, the bonds in payment therefor only to be delivered to said railroad company when the road, as located, is completed in said county; and the application mentioned in section eight of said charter, so far as it relates to Breathitt county, shall be made to the county court, composed of the county judge and justices; and before an election can be ordered in said

county upon the question of such subscription, a majority of the court so constituted shall, in their discretion, vote in favor of so ordering. Except as herein provided, said act incorporating the Richmond, Nicholasville, Irvine and Beattyville Railroad Company shall apply to the extensions herein authorized.

§ 2. This act to take effect from and after its passage.

Approved April 21, 1888.

CHAPTER 1205.

AN ACT to authorize the city of Lexington to subscribe for stock in the Kentucky Union Railway Company, and issue bonds in payment thereof.

WHEREAS, At an election duly ordered by the mayor and general council of the city of Lexington, held on the first day of August, 1887, at all the voting precincts of the city of Lexington, to take the sense of the voters of said city on the proposition to subscribe for stock in the Kentucky Union Railway Company, for and on behalf of said city, to the amount of one hundred and fifty thousand dollars, and in a further and additional sum sufficient to pay for fifteen acres of land to be purchased by said city and deeded to said railway company, which shall be free from taxation by said city for the period of twenty years, to be held and enjoyed by said company upon the terms and conditions stated in the proposition of said company addressed to the mayor and general council of said city, accepted by said mayor and council by resolutions approved July 14, 1887, and the question of said subscription was at said election decided in the affirmative; and whereas, it is deemed important to remove all doubts as to the legality of said election, and to make more certain the powers and duty of the mayor and general council of

said city to carry into effect the purposes and intentions of said election ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the election held in the city of Lexington on the first day of August, 1887, to take the sense of the voters of said city upon the question submitted to them as to subscribing to the capital stock of the Kentucky Union Railway Company, as stated herein, be, and the same is hereby, ratified and declared to have been a legal election ; and all acts or things which should have been done in and about said election, but which were omitted, if any, are hereby held to have been waived, and to be cured and supplied by virtue hereof.

§ 2. The mayor and general council of the city of Lexington are hereby empowered and directed to subscribe to the capital stock of the Kentucky Union Railway Company to the extent of fifteen hundred shares of the par value of one hundred dollars each, amounting to one hundred and fifty thousand dollars ; and to the extent of a further number of shares, amounting at their par value to such sum as shall be the purchase price of fifteen acres of land located in the suburbs of said city, not more than one and one-fourth miles from the Fayette county court-house, to be selected by mutual agreement of said railway company and the mayor and general council of said city, and deeded to said company, to be held and enjoyed as herein provided.

§ 3. It shall be the duty of the mayor and general council of the city of Lexington to provide means for the payment of said subscription to be made by said city in the manner pointed out in section nineteen of an act approved March 10, 1854, entitled "An act to incorporate the Kentucky Union Railway Company ;" and for the purpose of said subscription, and providing means for paying the same, the said section is hereby declared to be in full force and effect.

§ 4. No bonds shall be issued under the provisions of this act unless work on the grading and construction of said railway, in addition to that now constructed from Kentucky Union Junction, in Clark county, to Clay City, in Powell county, shall be actually commenced within ninety days from the approval hereof; nor shall any of said bonds be issued unless said railway company shall, within twenty-four months from the date of approval of this act, complete its road so that a train of cars shall run over the same on a separate road-bed of its own, and not over the road-bed or right of way of any other road, in a continuous line from the city of Lexington to Breathitt county; but the said mayor and general council may withhold the issuing of any of said bonds, provided convict labor is employed in the construction of said road, as herein provided, in Fayette county.

§ 5. That the act, entitled "An act to repeal all acts and parts of acts, so far as the same authorize the county of Fayette and the city of Lexington hereafter to subscribe stock in railroad companies," approved April 22, 1880, be, and the same is hereby, repealed so far, and only so far, as it is in conflict with the provisions of this act; and said act, which was approved April 22, 1880, except in so far as it conflicts with this act, is declared to be in full force and effect.

§ 6. This act shall take effect from its passage.

Approved April 21, 1888.

CHAPTER 1206.

AN ACT to amend an act, entitled "An act to amend and to reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester," approved February 2, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of councilmen of said town shall have power to require the owners of real estate within said town to set out shade trees in front of and binding on their real estate in said town; and if the owner of said real estate fail, for forty days after the owner or occupant thereof shall have been notified by the board of councilmen to set out said shade trees as designated in said notice, then said board shall have the power to cause said trees to be set out, and recover the amount so expended and the cost of any suit in any court of competent jurisdiction, and they may have all the remedies to recover the same that any other creditor has to recover and coerce all debts due him; and in all cases under this section, the recorder of the town of Winchester shall have full jurisdiction.

§ 2. That this act shall go into effect from and after its passage.

Approved April 21, 1888.

CHAPTER 1207.

AN ACT to require the Louisville and Nashville Railroad, and its assigns, to provide safety gates, and to keep a watchman at the crossing of its road over the Shelby Turnpike, near Clifton, in Jefferson county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Louisville and Nashville Railroad Company, and its assigns,

to provide and keep safety gates, and a watchman stationed, from sun rise to sun set, at the crossing of the Louisville and Nashville Railroad over the Shelbyville Turnpike, near Clifton, in Jefferson county, Kentucky.

§ 2. For every day said Louisville and Nashville Railroad Company, or its assigns, shall fail to have safety gates or a watchman at the place designated in the first section hereof, said company, or its assigns, shall be fined not less than ten nor more than fifty dollars.

§ 3. This act shall take effect from and after May 1, 1888.

Approved April 21, 1888.

CHAPTER 1208.

AN ACT to incorporate the Ballard County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. M. Shelton, G. B. Wilds, G. W. Sullivan, Thomas Lengthicum, James Triwalla, W. H. Bradly and M. McCalfin, their associates, successors and assigns, be, and they are hereby, created a body-politic and incorporate, under and by the name and style of the Ballard County Bank ; and in that name they may contract and be contracted with, sue and be sued, and have and alter at pleasure a common seal.

§ 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars, and may not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. The above-named incorporators are hereby authorized to open books for subscription to the capital stock of said bank at Wickliffe, Kentucky, or elsewhere, as they may determine. The payment of the

shares subscribed shall be as follows, to wit: Five dollars upon each share at the time of subscription, and twenty per cent. of the remainder within twenty days after subscription, and the balance in such amounts and at such times as the directors may order: *Provided*, That no one call shall be for a greater amount than twenty per cent. of the balance due: *And provided further*, That upon the failure to pay for thirty days after any call suit may be instituted in the name of the corporation for the recovery of same, or the directors may, in their discretion, enter an order upon the books of the company forfeiting the unpaid stock, and recall and cancel the subscription therefor, and in such case the stock shall be held and owned to the extent and for the amount paid thereon: *Provided also*, That the entire stock subscribed may be paid for at the time, or in advance of any call made thereon.

§ 4. As soon as five thousand dollars of stock is subscribed for, it shall be the duty of the incorporators to fix a day and give notice, by publication in any newspaper published in Ballard county, or if none, then by handbills posted in said county, to the effect that upon the day named the stockholders will meet at Wickliffe, Kentucky, for the purpose of electing a board of directors; at such meeting each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote in person or by written proxy; and a board of five directors shall be elected, any three of whom shall constitute a quorum to do business, and who shall hold their office for one year, and until their successors be elected and qualified; and the election of directors shall occur annually after the first election.

§ 5. The directors shall elect a president and cashier, and appoint such other officers and agents as may be necessary to conduct their business; and may fix the compensation of such president, cashier, officers and agents, and take from them such bonds as they

Management. may deem necessary. The officers of said company shall be under the control and management of said board of directors, who may adopt such by-laws as they deem necessary to the proper management of the business of the corporation: *Provided*, Such by-laws do not conflict with the laws or Constitution of this State or the United States.

Begin business. § 5. Whenever as much as twenty-five thousand dollars has been subscribed to the capital stock, and as much as five thousand dollars actually paid, said corporation may begin business; and said bank may receive deposits of gold, silver, bank and other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate, as may be agreed upon with depositors by special or general contract. Said bank may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, stocks, bonds, mortgages, and other evidences of debt; take personal and other security for the payment of same. All promissory notes and bills of exchange which may be indorsed to and discounted by said bank, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers, acceptors and indorsers.

Real estate. § 6. The said corporation may acquire, hold and possess and occupy all such real estate and personal property as may be convenient for the transaction of business, or purchased in satisfaction of any debt, judgment or decree: *Provided, however*, That they shall not hold any real estate, other than that necessary to the conducting of their business, for a period longer than five years; and deeds made and acknowledged by the president shall convey title of real estate belonging to said corporation.

§ 7. It shall not be lawful for such corporation to issue any notes or bills to be used or circulated as currency.

§ 8. The General Assembly shall have the right to <sup>General Assem-
bly.</sup> examine the affairs of said bank by committee or otherwise, and to alter and amend this charter, provided such amendment does not violate any contract, or prevent the corporation from carrying into execution any contract existing before the amendment.

§ 9. This act shall take effect and be in force from and after its passage.

Approved April 21, 1888.

CHAPTER 1209.

AN ACT to amend the charter of the Central Passenger Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Central Passenger ^{Chartering.} Railroad Company is hereby amended as follows: When any other authorized company, person or per- <sup>Object of incor-
poration.</sup> sons, shall desire to run cars over any portion of the tracks of the said Central Passenger Railroad Company, and the parties can not agree upon the terms of such use, then the said persons or company so desiring to use the said tracks may, before using the same, apply to a court of equity in the city of Louisville to fix the compensation and damages for the use of said right of way, tracks, and loss or injury to said Central Passenger Railroad Company; and in such proceeding the court shall fix the terms upon which said use may be had, and which terms may be changed from time to time by said court upon the application of either party: *Provided, however,* the right to use for railway purposes more than five hundred feet of said company's tracks, or any street occupied by same, shall not be acquired by any other company, person or persons, without the consent of said Central Passen-

ger Railroad Company. All laws, ordinances and resolutions inconsistent herewith are hereby repealed.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1210.

AN ACT for the benefit of Mrs. Martha Isgrigg, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mrs. Martha Isgrigg, of Bourbon county, a married minor, be, and is hereby, relieved from all disabilities as an infant, and she is hereby authorized to transact any and all business, to contract and be contracted with, to sue and be sued, to deed and transfer any interest in real estate that she may hold or acquire, as if she were twenty-one years of age.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1211.

AN ACT for the benefit of A. S. Weir, of Monroe county.

WHEREAS, Dr. A. S. Weir, of Monroe county, having seen the announcement of the escape of William Maynor, a penitentiary convict, and naturally supposing that said Maynor had escaped from the penitentiary at Frankfort, and that a reward of one hundred dollars would be paid for the capture and return of said Maynor, did apprehend the said convict, and surrender him to the proper authorities at Frankfort; and whereas, Dr. A. S. Weir incurred a necessary and unavoidable expense of fifty-three dollars and five cents for the arrest and return of the

said convict, and received therefor only fifty dollars instead of one hundred dollars ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of fifty-three dollars and five cents (\$53.05) be, and is hereby, allowed Dr. A. S. Weir, of Monroe county ; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the same, and the Treasurer is directed to pay it out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after the date of its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1212.

AN ACT to amend an act, entitled "An act to incorporate the Owensboro and Indiana Bridge Company," approved March 26, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act to incorporate the Owensboro and Indiana Bridge Company, approved March 26, 1872, be, and the same is hereby, amended so that the capital stock of said Owensboro and Indiana Bridge Company shall be one million two hundred and fifty thousand dollars (\$1,250,000) instead of three million dollars (\$3,000,000), as provided in the said act approved March 26, 1872 ; and the capital stock of said Owensboro and Indiana Bridge Company is now fixed at one million two hundred and fifty thousand dollars (\$1,250,000).

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1213.

AN ACT to close alley fronting Madison street, running back ninety-five feet, in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the alley ten feet wide, fronting Madison street, beginning one hundred and three feet from the north-west corner of Wenzel street, running north ninety-five feet to private alley running out to Wenzel street, in the city of Louisville, Kentucky, may be closed by the consent of the owners of the land abutting on said alley, evidenced by a writing acknowledged and recorded as are deeds in the office of the clerk of the Jefferson county court; and when said writing is so acknowledged and lodged for record, said portion of said alley shall be thereby closed.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1214.

AN ACT to prohibit the sale of spirituous, vinous, malt liquors, ale or beer, within three miles of New Salem Church, in Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell or vend any spirituous, vinous, malt liquors, ale or beer, or a mixture of either, within three miles of New Salem Baptist Church, in Green county, Kentucky.

§ 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor,

and upon conviction thereof by a court of competent jurisdiction, shall be fined in a sum of not less than ten nor more than fifty dollars for each offense, recoverable before a justice of the peace for Green county, county judge, or by the circuit court, upon indictment.

§ 3. This act to take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1215.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or mixtures of same, and all bitters and nostrums that intoxicate, within a radius of two miles of Slickford Methodist Church, in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons to sell spirituous, vinous or malt liquors, or mixtures of same, and all bitters and nostrums that intoxicate, within a radius of two miles of Slickford Methodist Church, in Wayne county.

§ 2. Any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined one hundred dollars, to be recovered in any court of competent jurisdiction.

§ 3. This act to take effect and be in force from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1216.

AN ACT to establish a public ferry across the Big Sandy river at or near the mouth of Mud creek, in Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. L. Ferguson be, and he is hereby, granted the privilege of establishing and conducting a public ferry across the Big Sandy river, at or near the mouth of Mud creek, in Floyd county, and invested with all the rights, powers and privileges, and subject to all the liabilities prescribed in chapter forty-two of the General Statutes of Kentucky.

§ 2. That the rates to be charged for transporting across said ferry shall be as follows: For each person, five cents; for each horse, ten cents; for each head of cattle, ten cents; and for each carriage or wagon drawn by one horse, twenty-five cents, and ten cents for each additional horse.

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1217.

AN ACT to prevent the sale of spirituous, vinous and malt liquors within two miles of Locust Grove Baptist Church, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell spirituous, vinous or malt liquors within two miles of Locust Grove Baptist Church, in Trigg county.

§ 2. Any person violating this act shall be subject to all fines in relation to sale of liquors now imposed by the statutes of the State.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1218.

AN ACT to amend an act, entitled "An act to establish a levy and county court for Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said levy court of Jefferson county, Kentucky, may increase the salary of the county attorney of said Jefferson county, Kentucky, in a sum not exceeding twelve hundred (\$1,200) dollars per annum, in addition to his present salary ; and said increase to be paid in the same proportions by the county of Jefferson and city of Louisville as his present salary is paid.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1219.

AN ACT for the benefit of Thomas E. Basham, of Larue county.

WHEREAS, Thomas E. Basham, of the county of Larue, State of Kentucky, whose father and mother are both living, and who, for the past year, by the consent of his father, has been doing business for himself, but is yet under twenty-one years of age, and, for the purpose of obtaining means to complete his education, he desires to further engage in trade or other pursuits, and be bound legally for his contracts and debts, and desires to be invested with all the rights, privileges and responsibilities of an adult, except the right to vote ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas E. Basham, of Hodgenville, Larue county, Kentucky, son of J. A. Basham, is

hereby vested with all the rights, privileges and responsibilities of an adult, and empowered to contract and bind himself as fully as though he were twenty-one years of age; *Provided*, That the right to vote is not conferred thereby.

§ 2. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 23, 1888.]

CHAPTER 1220.

AN ACT to amend the charter of the Motier and Peach Grove Turnpike Road, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Motier and Peach Grove Turnpike Road Company be, and they are hereby, empowered to construct, build and operate a branch road, beginning at a point in said road near the residence of John Hobbs; thence running in a south-west course, about the distance of one mile, to a point in the Lenoxburg and Pribble Crossroads Turnpike, near J. H. Carnes' storehouse, in Pendleton county.

§ 2. Said president and directors to have the same powers, rights and privileges to build, construct and operate said road as is now conferred upon them by the charter of the Motier and Peach Grove Turnpike charter for said road, and to be governed by the general turnpike road laws of this Commonwealth.

§ 3. This act to take effect from its passage.

Approved April 24, 1888.

CHAPTER 1221.

AN ACT for the benefit of J. W. Elder, of Breckinridge county.

WHEREAS, There was issued to James W. Elder, a citizen of Breckinridge county, a license to keep a tavern in the town of Hardinsburg, with the privilege of retailing spirituous, vinous and malt liquors, on the 15th day of August, 1887; and whereas, said James W. Elder has since sold the tavern specified in the said license as a place in which he might retail spirituous, vinous, and malt liquors; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Elder be, and he is hereby, permitted and authorized to retail spirituous, vinous and malt liquors, in consideration of the license granted to him on the 15th day of August, 1887, in one other place in the town of Hardinsburg, Breckinridge county, Kentucky, until the expiration of the afore-said license—the 15th day of October, 1888.

§ 2. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1222.

AN ACT to incorporate the Vineyard United Baptist Church, in Martin county, and prevent the sale of vinous or malt liquors in one mile of said church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. E. Cassell, Sr., Timothy Justice, and Oliver Sammons, trustees of the Vineyard United Baptist Church, and their successors, be, and they are, created a body-politic; and they will have perpetual power and succession, and as such will have the power to buy and hold real estate sufficient to

carry on the church of which they are the trustees ; and may make such rules and regulations as they may deem best for the regulations and control of said church.

§ 2. That the location of said church shall be at the Big Lick branch, in Martin county.

§ 3. That the present trustees shall hold their office until their successors be duly elected and qualified ; and they shall hold their offices for such time as may be prescribed in the rules regulating the same.

§ 4. That no spirituous, vinous or malt liquors shall be sold within one mile of said church. Any person who shall violate this section shall be fined fifty dollars, to be recovered upon indictment.

§ 5. That this act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1223.

AN ACT to incorporate the Franklin Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be established in the town of
Corporate name. Franklin a body-politic and corporate, by the name of the Franklin Water-works Company ; with power and authority to construct and establish such houses, machinery, etc., within said town or elsewhere, as may be necessary for the purposes of supplying said town and its inhabitants with water ; and with right to sue and be sued, plead and be impleaded, contract and be contracted with, in its corporate name, and do all acts necessary to the purposes of its creation.

§ 2. The capital stock of said company shall not
Capital stock. exceed fifty thousand dollars, divided into shares of one hundred dollars each.

§ 3. The said corporation may purchase, take and Real estate hold, in fee-simple or for any less estate, any lands necessary for the objects of this act, and for the convenient management of the concerns of the corporation; and may acquire the right to lay their pipes and aqueducts through any lands over which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery and reservoirs or stand-pipes, as may be required for the purposes aforesaid. If the proprietors of any lands which the said corporation may need for any of the purposes aforesaid, or the right of way which the corporation may require therefor, do not agree with the company what price shall be paid therefor, then the company may acquire such land or right of way by a writ of *ad quod damnum*, in the same manner that turnpike and railroad companies are authorized to do by the general law.

§ 4. The corporation is hereby authorized and em- Secure water. powered to take water from Drake's creek, or any other stream; and may lay its pipes or aqueducts under or over any railroad, highway or street, but the same shall be done in such a manner as not to obstruct or impede the passage thereon; and in laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes or aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement in such highways or street, the said corporation shall cause the earth or pavement to be replaced, so that the same shall be in as good condition as before the removal.

§ 5. Pipes and aqueducts in said town shall be so laid and constructed that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and said corporation shall furnish to the town water for the extinguishment of fires, and for public use, upon such terms as may be agreed

between it and the authorities of said town of Franklin.

§ 6. The corporation is hereby empowered to sell the privilege of using the water which may be conducted through its pipes and aqueducts to any corporation or person; and the water-works company may make all reasonable rules and regulations as to the manner and times in which said water may be taken and used, and the price thereof.

Subscriptions. § 7. That R. H. Lacy, J. A. McGoodwin, G. W. Roarks and I. H. Goodnight, or any three of them, shall, within five years from the passage of this act, open suitable books in the town of Franklin for the subscription of stock, first giving ten days' notice of the time and place of same, and may receive the subscriptions of individuals and corporations for stock; and it shall be the duty of the persons who may thus open the books for subscription, after the sum of five thousand dollars has been subscribed, to call a meeting of the stockholders, first giving ten days' notice to the stockholders of said meeting, who may proceed to elect a president and three directors to govern and conduct the affairs of the company; each director and the president shall be owner of at least one share of stock, and each stockholder shall be entitled to one vote for each share of stock he may own in the election of the president and directors, who shall hold their offices for one year, and until their successors are elected and qualified; and when the term for which they are elected is about expiring, the president shall give ten days' notice of the approaching election; and all subsequent elections shall be held as the first; the board may fill any vacancies that may occur during the year; and they may adopt such rules and by-laws for the transaction of business as they may deem proper, not inconsistent with this act and the laws of the land.

Penalties. § 8. If any person shall defile, corrupt or make impure any water used by said corporation, or destroy

or injure any pipe, aqueduct, machinery or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit to the use of said corporation treble the amount of damages sustained thereby; and if done willfully and maliciously, shall, in addition to said damages, be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding one year.

§ 9. If all of the stock is not subscribed when the books are first opened, the president and directors may again open said books for the subscription of stock, or may sell or otherwise dispose of said stock.

§ 10. Certificates of stock shall be issued to the holders thereof when the same shall be paid for, and shall be transferable on the books of the company as the president and directors shall, by their by-laws, prescribe. Stock certificates

§ 11. The town of Franklin, through its mayor and board of council, may subscribe for stock in said corporation, and if it deems best and proper, shall have the power and privilege of subscribing the whole amount of stock necessary for the building and putting in successful operation the water-works contemplated in this act: *Provided*, It does so before the erection of said works; and if it does so, it shall be entitled to all the privileges and franchises granted by this act, and shall be subject to all the duties in this act expressed as to said corporation, and shall proceed to execute the purposes and objects hereof; and the said town may issue and sell her bonds, with coupons attached, bearing interest at a rate not exceeding six per cent. per annum, payable annually, at the office of the mayor of said board of trustees, or at any bank in said town, or elsewhere, as they may elect, for a sum sufficient to cover the cost of the water-works, or meet any subscription by the town made for stock therein; and the said works shall stand pledged to secure the payment of the bonds; and if Mayor and council.

the town take the entire stock in said works, the net proceeds of the water rents shall constitute a fund to pay the principal and the interest thereof, and shall be devoted to that purpose; and for the purpose of paying the expense of conducting and managing the water-works and paying for the water used for public purposes, the board of trustees of said town may assess and collect, from time to time, a water rent or tax of sufficient amount, in such manner as they may deem most equitable; such assessment to have the force and be collected as town taxes.

§ 12. If the town of Franklin shall assume the franchises, privileges, rights and duties of this corporation, as provided for in the next preceding section of this act, the management and control of the water-works shall devolve upon the mayor and board of council of said town; or the board may elect five persons, who shall be called the water commissioners; and they may control and manage the business, as provided in the case of president and directors, and shall hold their office for one year, and shall be subject to the control and direction of said board of council; and they shall make a report every three months to said board of all their actions and doings. If said town should take only part of the stock in said works, then it shall stand in all respects as other stockholders.

Bonds.

§ 13. If said company is organized by the corporators as hereinbefore named and prescribed, then, and after such organization, it may issue and sell its bonds for a sufficient amount to cover the cost of the water-works, and the said works shall stand pledged to secure their payment. The company may fix the denomination of said bonds, what rate of interest they shall bear, and where payable.

§ 14. If said corporation and company be organized under the provisions hereof, and operated within the time limited, then the corporators, whether town or individuals, shall have the exclusive right and priv-

ilege for fifty years of furnishing water in said corporation of the town of Franklin, Kentucky, through or by the operation of water-works therein, or for that purpose.

§ 15. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1224.

AN AOT for the benefit of the New Liberty and Dallasburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the hands on the farms of J. G. Reed, F. H. Reed, John McNeal, A. McNeal, Ledrew Val-landingham, Dock Webster, J. M. Elmore, John Elmore, Pete Smith, Thomas Reed, David Allnutt and James Allnutt, shall work as road hands upon the side-tracks and main road-bed of the New Liberty and Dallasburg Turnpike Road, of Owen county, at such reasonable times as said road may require, and shall be exempt from working any other road in said county, it appearing that said persons live along the line of said pike and are willing to be so assigned.

§ 2. Notice of the working of said pike shall be given as in cases of other roads, and the same penalty shall attach for disobedience.

§ 3. This act to take effect from its passage.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1226.

AN ACT to incorporate the Christian Missionary Association of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Fee, E. A. Devon, Samuel Hanson, James Holloway, Alfred Titus, John F. Gregg, John Gabbard, William S. Overstreet, John Tracey, John Dun, James Lunsford, H. H. Haman and J. F. Brown, with their associates, be, and they are hereby, constituted a body-corporate and politic, with perpetual succession, under the name of the "Christian Missionary Association of Kentucky," and under the control and direction of the church of Berea, in Madison county, Kentucky; and by that name may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth.

§ 2. That said corporation is hereby invested with all powers and privileges necessary for the spread of the gospel by evangelization, mission work, etc., at home and abroad, as well as other Christian work set forth in the preamble and constitution of said Christian Missionary Association.

§ 3. That said corporation shall have power to acquire and hold real estate and other property, for purpose of carrying forward the objects as set forth in its preamble and constitution; and for the purposes of its creation and extension, it may enact such by-laws, rules and regulations, as shall not conflict or be inconsistent with the Constitution of the United States and the Constitution and laws of this State.

§ 4. All laws or parts of laws inconsistent with this act are hereby repealed.

§ 5. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1227.

AN ACT to incorporate the Florence and Erlanger Street Railway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. A. Sayre, Abel Carpenter, Henry H. Verkamp, Fred Rich, S. S. Scott, Henry Oelsner, and T. L. Swetnam, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Florence and Erlanger Street Railway Company; and under that name shall have perpetual succession, with all the powers incident to similar corporations.

§ 2. The business of said corporation shall be to construct, maintain and operate a street railway, with all necessary tracks to enable it to operate its said line of street railway on, over and along the Covington and Lexington Turnpike Road, between the intersection of the Union and Florence Turnpike Road with the Covington and Lexington Turnpike, in the town of Florence, in Boone county, to the station known as Erlanger, on the Cincinnati Southern Railway, in the county of Kenton. If the corporation hereby created and the Covington and Lexington Turnpike Road Company do not agree as to the terms upon which said turnpike road may be used for the purposes herein specified by the corporation, then the corporation hereby created may proceed, under the general condemnation laws of this Commonwealth, to acquire the right to use so much of said turnpike road as may be necessary for its purposes, and also any other property that may be necessary for its use.

§ 3. The capital stock of said corporation shall be ten thousand dollars, and may be increased from time to time by the vote of a majority of its stockholders to not exceeding fifty thousand dollars. It shall be divided into shares of fifty dollars each, to be issued

and transferred in such manner and upon such conditions as the board of directors of said corporation may by by-law prescribe.

§ 4. The business of said corporation shall be conducted and managed by a board of five directors, who shall elect from their number a president, and may appoint such other officers and agents as they may deem necessary to the proper conduct of their business, with power to remove the same at pleasure. The corporators named in the first section of this act shall be and constitute the first board of directors, and may at any time meet and organize as such and elect their president; and in case of death, resignation or refusal to act, of any of the said corporators, such vacancy shall be filled by the remaining corporators; and hereafter all vacancies in the board shall be thus filled; and the person thus appointed shall continue in office until their successors shall have been duly chosen. Said corporators, or any three of them, may, at any time, open books for subscriptions of stock in said corporation; and when as much as one hundred shares of stock shall have been subscribed and paid into said corporation, or to any agent appointed by them to receive the same, said corporators shall organize and may proceed to business.

§ 5. Said board of directors may adopt all needful by-laws and regulations for the conduct of the business of the corporation, not in conflict with the laws of this State or of the Constitution or laws of the United States, and may alter and amend the same at will, prescribing the duties, compensation and tenure of office of such agents, officers, or employes as they may, from time to time, select; and shall make calls for the payment of the subscriptions to the capital stock in such amounts as they may, from time to time, deem necessary.

§ 6. The said railway shall not be so constructed as to interfere with the public travel on said turnpike

road, either during the construction thereof or its subsequent operations.

§ 7. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 25, 1888.]

CHAPTER 1228.

AN ACT to amend "An act to incorporate the Hopkinsville Savings Bank," approved April 5, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3 of "An act to incorporate the 'Hopkinsville Savings Bank'" is amended as follows, viz: The words "two hundred and fifty shares" are stricken out, and "two thousand five hundred shares" inserted in lieu thereof; and in the same section, wherever the word "dollars" occurs in reference to installments to be paid on subscriptions, the words "per cent." must be used.

§ 2. This act to take effect from its passage.

Approved April 24, 1888.

CHAPTER 1229.

AN ACT for the benefit of the minor heirs of Joseph D. Barbee, of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the statutory guardian of the children and heirs of Joseph D. Barbee, of Taylor county, namely: Grace Ray Barbee, George M. Barbee, Mary Barbee, and Carrie Barbee, be, and he is hereby, authorized to invest the money and estate of said minors in interest-bearing bonds of the United States of America.

§ 2. Said guardian is only to be responsible for the interest earned, produced and received on said bonds.

§ 3. Said guardian is, in all other respects, to be responsible to said minors as provided by existing laws.

§ 4. This act shall be in force from and after its passage.

Approved April 24, 1888.

CHAPTER 1231.

AN ACT for the benefit of P. S. Bruner and others, of Grayson county.

WHEREAS, The aforesaid parties, as sureties on the official bond of J. B. Hackett, late sheriff of Grayson county, paid, by oversight, to the trustee of the jury fund of the Grayson circuit court, the sum of fifty-eight dollars and twenty-five cents, on a supposed liability of said Hackett for his failure to return an execution in favor of the Commonwealth of Kentucky against J. R. Williams and J. W. Carroll, which issued from said court on a judgment against them on a forfeited bail bond; and whereas, it was decided by the judge of the Grayson county circuit court, at its late February term, 1888, that said sheriff was not liable for his said failure; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustee of the jury fund of the Grayson circuit court is hereby authorized and directed to refund to said parties said sum of fifty-eight dollars and twenty-five cents, out of any public funds in his hands, and, when paid, said court is authorized to allow him credit therefor on settlement.

§ 2. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1232.

AN ACT to incorporate "The Ellanden Coal and Iron Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John D. Pope, S. H. Garvin, Otis Hidden, ^{Incorporators.} Charles Haydon, William Magnire, Attila Cox, O. B. Theiss, Robert W. Herr, T. H. Sherley and W. C. McChord, and their associates, successors and assigns, be, and they are hereby, created and constituted a body-corporate and politic, by the name and style of "The Ellanden Coal and Iron Company ;" and by that name and style shall have perpetual succession, ^{Object of incorporation.} with power to make contracts, sue and be sued in all courts and places ; to own property both real and personal ; to have a common seal, and alter the same at pleasure ; to engage in mining coal, iron ore, and other substances ; making coke, iron, steel, and other metals ; to erect and run mills, blast furnaces, manufactories and machinery ; to cut and saw timber and prepare such articles, materials and substances for market, and transfer and sell them within or without this State, and to do other acts and have other powers needful for the successful prosecution of its business and objects and ends of the organization.

§ 2. The officers of said corporation shall consist of ^{Officers of corporation.} a president, a vice-president, a secretary and treasurer, and a board of directors, not to exceed nine (9) in number, who shall conduct and manage the business affairs of said corporation. The said directors ^{Directors.} shall be elected by the stockholders on the first Monday in May of each and every year, or so soon thereafter as can be conveniently done, and shall hold their offices for one year, or until their successors are duly elected and qualified. The president, vice-president, and secretary and treasurer, shall be elected by said board, and hold their offices for one year, or until their successors are duly elected and qualified. The presi- ^{Election of officers.}

dent and vice-president shall be elected from the board of directors. The said board of directors shall have power and authority to hire and employ, and discharge at their pleasure, such agents, servants and persons as they may deem necessary, and fix their duties, wages and compensation; and may require bond and security from any and all officers, agents and servants, for the faithful performance of their duties; and may fill all vacancies in said board and any other office. The number of said board of directors shall be determined by the stockholders at each of said corporation's regular annual meetings, not exceeding nine (9) in number. Said board shall have power to make such by-laws, rules and regulations, as may, from time to time, be deemed necessary for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State or of the United States, or in conflict with this charter.

Number of directors.

By-laws.

Capital stock.

Stock transferable.

§ 3. The capital stock of said company shall be twelve thousand dollars (\$12,000), in shares of fifty dollars (\$50) each, for which, when said stock is paid for, said company shall deliver to the stockholders a certificate, signed by the president and countersigned by the secretary, and impressed with the seal of the corporation. The stock shall be transferable only upon the books of the company and surrender of the old certificate, for which a new certificate shall be issued and delivered to the person entitled to the same. Said stock shall not be transferred until all claims by the corporation against the same, or the person in whose name the same is registered, have been fully paid. The said corporation may receive, in full or part payment of any of its said stock, property or other valuable consideration. By a two-thirds vote in interest of the stockholders the capital stock may be increased to an amount not exceeding five hundred thousand dollars.

§ 4. Said company, in addition to the lands already

purchased and now owned by it in Laurel county, Kentucky, may buy, lease or rent any other suitable lands, timber or mines, mining privilege, rights of way, or mills and other manufactories, machinery and other property and rights, such as it may deem necessary, and may dispose of the same, or any portion of the same, by sale. Said company may receive real estate, mining rights, the right to take timber, and rights of way, upon such terms as it may deem advisable, and may receive them in payment of the subscription to the capital stock, if deemed advisable, and as its real and personal property; said corporation shall have and possess the same power and authority to sell and dispose of or encumber the same as private individuals now have and enjoy.

§ 5. The principal place of business of said company shall be Louisville, Kentucky, and the private property of the stockholders in said corporation shall be exempt from payment of, or liable for, corporate debts. The company may organize and commence business at once, or when fifty per cent. of the capital stock is paid, and do business for thirty years; and the stock shall be due and payable in such installments and at such times as the board of directors may determine.

§ 6. This act shall take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1233.

AN ACT to create a taxing district in Boyle county, and to authorize it to raise money to aid in the construction of railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That precincts three and four, in Boyle county, Kentucky, and including the town of Danville, be,

Buy, lease and
sell land.

Place of business.

Create taxing
district.

and the same are hereby, created a taxing district, with the powers herein set forth.

Issue, bonds.

§ 2. It shall be lawful for said district to issue bonds on the credit and responsibility of the said district, and the property and the tax-payers thereof, in a sum or sums not exceeding fifty thousand dollars (\$50,000), in order to raise money to subscribe to the capital stock of one or more railroads in aid of the construction of one or more railroads to said town of Danville, or one or more railroads on which said town shall be made a permanent station.

Duty of county judge.

§ 3. It shall be the duty of the judge of the county court of Boyle county, upon the written request or petition of ten (10) tax-payers, resident in said district, setting out the terms and conditions of said subscription, to order an election to be held, at which there shall be submitted to the qualified voters within said district the question, as set out in said petition, of issuing bonds to raise money to subscribe to the capital stock of one or more railroads, to be named in said order, and aid in its construction to Danville; the amount of stock proposed to be taken to be stated in the order. At which election those in favor of the same shall be recorded as voting "For the railroad tax," and those opposed thereto as "Against the railroad tax." The said election shall be ordered to be held on a day to be fixed in the order, not less than twenty (20) nor more than thirty (30) days therefrom; and public notice thereof shall be given by at least two (2) publications in the newspapers published in the town of Danville for two (2) weeks, and by printed notices put up for two (2) weeks at the court-house door before the day of election. Officers to hold said election shall be appointed as in other county elections, and the votes shall be received at the court-house and the other regular voting-place in the town of Danville. The returns of the said election shall be made to the said judge of the county court in the manner and time as required in elections of county

Publication in newspaper.

officers, and the same shall be opened and counted as in elections for county officers; and if it shall appear from the returns of said election that a majority of the votes cast have been cast in favor of the railroad tax, then it shall be the duty of the judge of the county court aforesaid to enter an order subscribing for and in behalf of the said district to the capital stock of the said railroad company proposed, the amount voted; and for the purpose of paying the same the said judge of the county court shall there-
County judge prepare negotiable bonds.
upon cause to be prepared the negotiable bonds of the said district, in amounts of five hundred (\$500) dollars each, numbered from one to ———, inclusive, payable twenty (20) years after date; but reserving the option of paying the same at the end of any year thereafter, in amounts not exceeding five thousand dollars (\$5,000) in any one year, paying the same in the order of their numbers. The said bonds shall be
Bonds bear interest.
executed in behalf of the said district by the said judge of the county court, attested by the clerk of the said court. The said bonds shall bear interest at the rate of five (5) per centum per annum, payable semi-annually, for which coupons shall be attached, signed by the clerk of said county court, and both principal and interest be made payable at the Citizens' National Bank in Danville, Kentucky. The judge of the county court aforesaid, and the four magistrates of the said precincts three (3) and four (4), in Boyle county, are hereby authorized to act in behalf of said district in determining the amount of said bonds to be paid in any year; and it shall be the
Levy taxes on property in district.
duty of the judge of the county court of said county to levy taxes upon the property within the said district subject to taxation for State purposes sufficient to pay the principal and interest of the said bonds as the same shall be due and payable, and as the same may be called for payment as herein provided. Upon the execution of the said bonds it shall be the duty of the said judge and said magistrates of precincts three (3)

Trustees shall
give bond with
security.

Certificate of
capital stock.

and four (4) to place the said bonds in the hands of some trustee, who shall be agreed on with the president of the railroad company, who shall make public sale of same, and the proceeds to be held by such trustee in trust to deliver the same to the said company, or its assigns, upon the completion of the said road to Danville, Kentucky. A bond, with good security, shall be given by said trustee to the county judge for the faithful discharge of his duties; and the money subscribed under this act shall not be paid or delivered to said railroad company until the said railroad is constructed and the tracks laid to Danville, and a train of cars passed over said railroad to the town of Danville. Upon the delivery of the said money by the said trustee, as above provided, the said railroad company shall deliver to W. L. Caldwell, W. J. Lyle, C. P. Cecil, G. W. Welsh, Jr., and J. W. Proctor, a certificate or certificates for capital stock of the said railroad company at par to the amount of the money voted, which shall be held by them as trustees, and be delivered by them to the tax-payers of the said district in proportion to the amount of taxes paid by them, respectively, in this matter, or to the holders of the tax receipts for taxes paid on account of the principal and interest of such bonds: *Provided*, They shall issue such stocks only in sums of one hundred dollars (\$100): *And provided*, That such stock shall not be distributed until all of the said bonds and coupons authorized by each vote taken under this act shall have been paid; and in the meantime the said trustees shall hold and vote the said stock in behalf of said district; and in the event that any of the said trustees, or their successors, shall refuse or be incapable to act, or resign or die, it shall be the duty of the said judge of the said county court, and the magistrates of said precincts, to name a successor, with all the rights, powers and duties of his predecessor.

Elections.

§ 4. Elections may be held under this act until the whole amount of fifty thousand dollars (\$50,000)

herein authorized is voted; and said fifty thousand dollars (\$50,000) may be voted in different sums to different railroads, or in one sum to one road.

§ 5. The sheriff of Boyle county shall be the collector of said tax, and shall receive, as compensation for said collecting, five per cent. on the amount collected each year, and the levy made under this act shall be for an amount sufficient to pay said bonds, interest and costs of collection. The sheriff and his sureties shall be liable on his official bond for said collection to the same extent that they are liable and responsible for the State revenues.

§ 6. Any proposition, contract or agreement, made by any railroad company desiring said vote to be made, relative to the specific terms of same, shall be made to and with W. L. Caldwell, W. J. Lyle, C. P. Cecil, G. W. Welsh, Jr., and J. W. Proctor, trustees for and representatives of said district, and their successors, as herein provided for.

§ 7. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1234.

AN AOT to incorporate the Louisville National Medical College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Fitzbutler, Rufus Conrad and W. A. Burney, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and title of "The Louisville National Medical College," of Louisville, Kentucky; and by such corporate name may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; may have perpetual succession, and may make all by-laws necessary for the transaction of the business and for the government of the

school, not inconsistent with the laws of this State or of the United States.

Capital stock. § 2. Said corporation may have a capital stock of such amount as may be prescribed by the board of trustees, and from time to time the same may be increased to any amount not exceeding the sum of fifty thousand dollars (\$50,000); but the said corporation may transact business without a subscription of said capital stock.

Object of corporation. § 3. The object of this corporation shall be the establishment of an institution for medical and surgical instruction, and to promote the interest of medical education, and afford instruction in the art and science of medicine and surgery to all that may desire to avail themselves of the facilities offered by said institution, under such regulations as its board of trustees may prescribe, and with such faculty, professors and teachers as the board may provide.

Gift, lease, etc. § 4. Said corporation may receive, acquire and hold by gift, purchase, lease, loan, devise, or otherwise, money, books, pamphlets, periodicals, papers, and specimens, or other personal property; also, such real estate, in fee or for a term of years, as may be necessary or suitable for the establishment and conduct of said institution, together with such library or museum as may be established in connection therewith; but said corporation shall not acquire more real estate than one-half acre in the city of Louisville.

Real estate. § 5. The said corporation may, for the purchase or improvement of real estate, or for its other purposes, from time to time borrow money, and as a security therefor may issue its interest-bearing bonds or promissory notes, to be secured by one or more mortgages upon its real estate or other property, and upon its franchises; but such mortgage debt shall not at any time exceed twenty thousand dollars (\$20,000).

Diplomas. § 6. That the said corporation shall have power, and it is hereby authorized, to grant diplomas to practice medicine or surgery, or both medicine and surgery, to

the students of said institution who have been medical students for the full term of three years, or who have attended two full terms of instruction in said institution, and such diploma shall entitle the holder thereof to practice the profession of medicine and surgery, or either, in this Commonwealth.

§ 7. The persons herein named—Henry Fitzbutler, ^{Trustees.} Rufus Conrad and W. A. Burney, as the incorporators of said corporation and institution—shall constitute the board of trustees of said corporation, and as such shall exercise all the rights, powers, and privileges of said incorporation. In case of the death, resignation, refusal to act, or removal from the State of Kentucky of any of said persons, the vacancy so created may be filled by the remaining members of the board.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 24, 1888.

CHAPTER 1235.

An amend to amend the charter of the town of Guthrie.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter no person shall be eligible to any office under said charter, by appointment or election, unless he be a citizen and housekeeper in said town.

§ 2. It shall be lawful for the board of trustees ^{Levy capitation tax.} of said town to levy a capitation tax of not exceeding two dollars on the head, and an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars of property within the corporate limits of said town, for the period of five years, and to provide for the collection of the same; the taxes so raised to be spent by the trustees of said town

solely for the purpose of purchasing a lot of ground, and the erection and furnishing a school-house in said town; said taxes to be levied alone on the white persons and their property, and the school to be solely for their use.

Taxation.

§ 3. That all persons, whether male or female, of the age of twenty-one years, and owning property subject to taxation in said town, who have paid up their taxes, and are not in arrears, shall be allowed to vote in all elections held under said charter.

Purchase and control land.

§ 4. It shall be lawful for the trustees of said town to purchase and control a lot of land, not less than ten nor more than forty acres, within or near the limits of said town, for burial purposes, which is to be deeded to them, and their successors in office, for a public cemetery; and they are authorized to lay the same off in lots, and sell and convey the same, by their chairman or some member of their board, to the purchaser, to be held alone for burial purposes, and to be under the general supervision of said trustees, who are authorized to receive donations for that purpose, or the school purpose, and to use the same for the purposes donated.

§ 5. All laws and parts of laws in contravention of this act are hereby repealed.

§ 6. This act to take effect from its passage.

Approved April 24, 1888.

CHAPTER 1236.

AN ACT to provide for the punishment of petit larceny in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person guilty of petit larceny shall, if convicted, be punished by the administering by the sheriff of not less than ten nor more thirty-nine

lashes, well laid on the bare back, or by hard labor, as now provided, either one or the other, at the discretion of the jury.

§ 2. This act shall apply to Calloway county alone.

§ 3. This act to take effect and be enforced from and after its passage.

Approved April 24, 1888.

CHAPTER 1237.

AN ACT to incorporate the Paducah Bar Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Q. Q. Quigley, president; J. M. Bigger, Incorporators. first vice-president; Jas. Campbell, second vice-president; J. C. Flournoy, secretary; Clarence Dallam, treasurer, and R. L. Reeves, marshal, with their successors and associates, be, and they are hereby, incorporated in the corporate name of the "Paducah Bar Association;" with power to contract and be contracted with, sue and be sued, and with perpetual succession.

§ 2. That said Paducah Bar Association is vested Real estate. with power to acquire real estate of the value of ten thousand dollars, by purchase, gift or donation, and to erect such buildings thereon as said association may agree to; to acquire a law and miscellaneous library, by purchase, gift or donation, with such other personal property as may be necessary or convenient to carry out the purposes of said association; and there is granted by this act to the said Paducah Bar Association a set of the pamphlet acts of the State of Kentucky, from the formation of the State government to and including the acts of the present General Assembly, with the acts of all future General Assemblies as may meet hereafter, and with a copy of the General Statutes and Codes of Practice,

civil and criminal, to be furnished said association by the State Librarian out of any books now in the public library of the State at Frankfort.

View and purpose of elevating same.

§ 3. With the view and for the purpose of elevating the standing of the bar at Paducah, and to rid the bar of improper members, and to punish such as are guilty of any violation of law, or the constitution or by-laws of this association, and to prefer proceedings before the courts to disbar such as do not properly demean themselves, or who may be guilty of conduct unbecoming a lawyer, gentleman or member of the bar of the city of Paducah ; said Paducah Bar Association is vested with full power and authority to carry out the objects and purposes herein expressed, and to make all such regulations and adopt such course of procedure as may be necessary, convenient or proper to carry out said granted powers. Said association may, by by-laws, provide the time and manner of the election of its officers, the terms, and may require bond, with good security, from any officer ; may provide such penalties on any officer or member as may be thought proper for a violation of any duty imposed on any officer or member of said association ; and may enforce the collection of the same in any court having jurisdiction : *Provided*, That no by-law or regulation of said association shall conflict with the Constitution or law of this State or of the United States.

§ 4. This act shall be in force from its passage.

Approved April 24, 1888.

CHAPTER 1239.

AN ACT to amend the charter of the town of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of article 6 of the present charter of the town of Glasgow, approved April 7, 1882,

be, and the same is hereby, amended as follows: That in lieu of the words "two years next preceding his election," where they first occur in said section, there be substituted therefor the words, "one year next preceding his election;" and in lieu of the words "two years next preceding his election," where they occur the second time in said section, there be substituted in place thereof the words, "six months next preceding his election."

§ 2. That this act shall take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1240.

AN ACT to repeal an act, entitled "An act to consolidate common school district No. 38, in Marshall county, with the Marshall county seminary at Benton, in said county, and to provide for the levy of a school tax in said district," approved March 27, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to consolidate common school district No. 38, in Marshall county, with the Marshall county seminary at Benton, in said county, and to provide for the levy of a school tax in said district," approved March 27, 1888, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1888.

CHAPTER 1241.

AN ACT to amend an act, entitled "An act to establish a road law for Lawrence county," approved April 17, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 21 of an act, entitled "An act to establish a road law for Lawrence county," approved April 17, 1884, be, and the same is hereby, amended by striking out of the ninth line of said section the word "ten," and inserting in lieu thereof the word "six."

§ 2. That section 34 of said act be, and the same is hereby, amended by adding thereto the following : "And shall also be fined not less than twenty-five dollars nor more than one hundred dollars."

§ 3. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1242.

AN ACT to amend an act, entitled "An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to provide the duties and powers of said officers."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity ; to create a sinking fund for that purpose ; to provide for commissioners of the sinking fund and collectors of taxes levied, and to provide the duties and powers of said officers," be, and the same is hereby, amended by adding the words "Provided, Said sheriff or collector shall not, after June 1st, 1889, collect any taxes due by corporations,

but all such taxes shall be paid by such corporations directly to the commissioners of the sinking fund on or before the first day of December in each year," after the words "collected," and before the period in the fifth line of the second section of said act.

§ 2. That said act be, and it is hereby, further amended by inserting the words, "and until his successor is elected, qualified and executes the required bond," after the word "expires," in the twelfth line of the fifth section of said act, and also by inserting the sentence "In the event of a vacancy in the office of commissioners, produced from any cause whatever, such vacancy shall be filled by an election by the justices at their first assembling thereafter," before the word "it" in the twelfth line of section five of said act.

§ 3. That said act be further amended by striking out section eight of same, and inserting in lieu thereof the following: "The compensation of the treasurer shall be fixed by the court, and shall not exceed one per centum of the amount collected, and shall be paid out of the sinking fund."

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

§ 5. This act shall take effect and be in force from its passage.

Approved April 24, 1888.

CHAPTER 1243.

AN ACT to amend an act, entitled "An act to revise the charter of the city of Paducah, and reduce into one the several acts relating thereto," approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to revise the charter of the city of Paducah, and reduce into one

the several acts relating thereto," approved May 12, 1884, be amended by adding immediately after section one hundred and fifty of said act, the following: When suit in equity is brought to enforce a lien for taxes on real estate, as provided in said section, and there is a sale of such real estate to satisfy the decree of the court rendered therein, and no one else offering to pay the amount of said judgment and the costs of said suit, it shall be the duty of the mayor of said city to bid in said property for the city; and the mayor may sell and convey said real estate in such manner and for such price as the council may by ordinance or resolution direct. The mayor may also, for and in the name of the city, make deed to the purchaser thereof, which shall vest in the purchaser the full title to said property, all of which acts and doings of the mayor he shall report in writing to the council.

§ 2. No street or alley in the city of Paducah shall be vacated, closed or changed, except by two-thirds of all the members-elect of the council voting affirmatively thereon, evidenced by a vote of the council upon a call of the yeas and nays, to be recorded on the journal of proceedings.

§ 3. Whenever, in the judgment of the council of the city of Paducah, it becomes necessary to take any private property in said city in order to secure or promote the public health, safety or welfare, the council may so declare by ordinance or resolution; and in the event the city shall be unable to agree with the owner of such property, if the owner be a resident of such city, or if the owner be not a resident of said city, or be an infant, a *feme covert*, or *non compos mentis*, then the council may order the city attorney to have said property condemned as prescribed in section 193 of said act approved May 12, 1884.

§ 4. This act shall go into effect and be in full force from and after its passage.

Approved April 24, 1888.

CHAPTER 1244.

AN ACT to change the line between the Cloverport and Stephensport justices' districts, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the line between the Cloverport and Stephensport justices' districts, in Breckinridge county, be changed as follows, to wit: Beginning at a point on the Ohio river, due north of Wm. E. Minor's; thence to said Minor's residence; thence to the James Brickey old residence; thence to the Gabriel Ahl old residence; thence to Horace Squires; thence to Richard Hawkin; thence to Allen J. Atkisson; all liners to choose in which district they will vote at the next election after the passage of this act, which choice shall not thereafter be changed except by law.

§ 2. This act to take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1245.

AN ACT to incorporate the Jessamine County Building and Savings Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Napoleon Price, Gilbert Miller, John Lewis, Emanuel Jackson, Edmund Martin, M. D. Flack and A. Merchant, be, and they are hereby, incorporated, under the name of "The Jessamine County Building and Savings Association," and by that name may contract and be contracted with, sue and be sued; may have a seal, and alter the same at pleasure, and shall have all other lawful powers usual and incidental to corporations, and which may be

necessary to carry out the objects for which it is created, and may have perpetual succession.

Principal place
of business.

§ 2. The principal object of said corporation shall be to aid its members in purchasing and improving real estate, and to this end the corporation may acquire and hold real estate by purchase, gift, devise or otherwise, and may sell, mortgage, lease and convey the same at pleasure. All deeds and mortgages made by the corporation shall be signed and acknowledged by the president.

Control.

§ 3. The property and business of the corporation shall be under the control of a board of directors, composed of not less than five nor more than thirteen members, to be elected by the stockholders from their own members; the board of directors shall elect from their own number a president and vice-president, and shall appoint a secretary and treasurer, and require from them such bonds for the faithful performance of their duties as the board may deem proper.

Capital stock.

§ 4. The capital stock of said corporation may be any amount not to exceed two hundred thousand dollars, divided in shares of one hundred dollars each, and shall be personal property; certificates of stock shall be issued by the corporation to the subscriber, which shall be signed by the president and countersigned by the secretary, which certificates shall be assignable; but such transfers shall not be valid as against the corporation until noted on the books of the company. The members in all corporate elections shall be entitled to one vote for each share of stock held.

Subscription
books.

§ 5. Said incorporators shall open books for the subscription of stock, and when fifty shares or more have been subscribed, they shall call a meeting of the subscribers for the purpose of organizing, and so soon as the corporation is organized it may commence business. The company may continue to receive subscriptions of stock until the entire two thousand shares have been subscribed.

§ 6. The corporation shall have the power to make By-laws. such rules, by-laws and regulations, for its government and the transaction of its business as it may deem necessary, and may prescribe therein the amount of dues that shall be paid weekly or monthly by each member upon the shares of stock held by him. The Payments. stock shall be paid for in weekly or monthly dues or installments, and the corporation shall have a lien upon the stock for any unpaid installments thereon. If the dues or installments on any share or shares of stock remains unpaid for the space of sixty days, the corporation shall have the power to declare such certificate canceled, and may, after ten days' notice in writing to the holder thereof, sell the same, either at public or private sale, and issue a new certificate to the purchaser, and the amount paid thereon by the defaulting member may be retained by the corporation to reimburse it for the trouble and expense of the proceedings.

§ 7. The corporation may sell to its members any Real estate. real estate owned by it, to be paid for upon such terms as may be agreed upon; or it may loan money to its members to be invested in real estate, the rate of interest not to exceed that allowed by law; and for the security of said loans may retain a lien upon the lands so purchased; and as a further security, shall have a lien upon the stock held by the debtor; or it may loan its money to its members upon mortgages upon real estate, the rate of interest not to exceed that allowed by law. The amount that may be loaned to any one member shall be fixed in the by-laws.

§ 8. The board of directors first elected under this Directors. act shall serve until the first Saturday in May succeeding their election, and annually thereafter there shall be an election of directors as provided above. The board is authorized to fill any vacancies that may occur, and may appoint and supply such other officers, or agents as may be deemed necessary for the transaction of the business of the corporation.

§ 9. Married women may subscribe for and hold stock in said corporation, and the shares paid for by them out of their own property, money, or earnings, shall be their separate estate, free from the debts and control of their husbands.

§ 10. The principal office of said corporation shall be located in Nicholasville, Jessamine county, Kentucky.

§ 11. This act shall take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1246.

AN ACT to provide for the working and keeping in repair of the public roads in Floyd county, and to define the duties of the county judge and board of commissioners of said county in relation thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

District.

§ 1. That at the regular September term, 1888, of the Floyd county court, it shall be the duty of the county judge of said county, by and with the advice and consent of the county attorney and county clerk thereof, to revise the road precincts in the county and reduce, if possible, the number of precincts, so as not to exceed one hundred. In laying off the precincts they shall take into consideration the amount of work to be done, and the number of road hands, and so apportion the precincts as to impose, as nearly as they can approximate, an equal amount of work upon each; they shall give a definite boundary to each precinct and number them consecutively.

Surveyor.

§ 2. At the same term of the court, and every two years thereafter, the county judge, by and with the advice and consent of the county attorney and county clerk, shall appoint a surveyor for each of said road precincts. They shall select as surveyors discreet,

responsible men, over twenty-one years of age, and possessing a fair knowledge of the construction and repair of roads, and capable of performing the various other duties imposed upon road surveyors by this act. A permanent resident of the precinct shall be selected for the position whenever it is practicable to do so. The surveyors shall hold their office for a term of two years, and until their successors are appointed and enter upon the discharge of their duties; no surveyor shall be relieved of the duties and responsibilities of his office without the consent of the county judge, except in case he remove from his precinct. The county judge may remove any surveyor whenever he deems it to the best interests of the county to do so.

§ 3. The county clerk shall purchase a new road-^{Clerk.} book, in which he shall keep recorded the number and boundary of each road precinct; the name of the surveyor appointed for the same, the date of his appointment, and the date his term of office will expire.

§ 4. It shall be the duty of the surveyor to superin-^{Surveyor's duties.} tend the opening, changing, or repairing of all the public roads in his precinct; to make, with the assistance of the road hands under his charge, all cuts and fills, and erect and repair all culverts and bridges, except as hereinafter provided; to have said roads kept clear of obstructions, and so leveled and graded as to be in good condition for travel; to keep one or both sides of the road ditched whenever he deems it necessary for the proper drainage and protection of the same; to remove overhanging substances to a distance of fifteen feet above the level of the road; and the road must not in any case be less than ten feet wide. The requirements of this section must be fully set forth in the order of court appointing the surveyor.

§ 5. The county clerk shall, within ten days after a surveyor is appointed, prepare and deliver to the ^{County clerk.} sheriff of the county two copies of the order of court appointing him, and said sheriff shall, within twenty

days thereafter, deliver to the surveyor appointed one of said copies and return the other to the office of the county clerk, with the date of the delivery of the other copy to the surveyor indorsed thereon, which indorsement shall be evidence of the fact stated. The person so appointed shall, upon receipt of said copy, immediately enter upon the discharge of his duties as surveyor. If either the clerk or the sheriff fail to perform the duties required of them by this section, he shall be fined five dollars for each offense, the same to be recovered by warrant in the name of the Commonwealth. The county attorney shall see that the provisions of this section are enforced.

Vacancy.

§ 6. If a vacancy occurs in the office of surveyor in any precinct by reason of the death, resignation, removal or refusal of a surveyor to serve, such vacancy shall be filled at the next regular term of the county court, the appointment to be made as provided in section 2 of this act.

Road service.

§ 7. Every male person between the ages of sixteen and fifty years, who is a citizen of said county, except ministers of the gospel and persons exempted from road service by the county court, may be required by the surveyor of the precinct of which he is resident to work the public roads in said precinct ten days, of eight hours each, in each calendar year, provided that amount of work is found to be necessary; and in no case shall any road hand receive any credit upon his poll-tax for such work, as provided in section — of this act, until he shall have worked the number of days required by this section.

Notice to workers.

§ 8. Whenever, in the opinion of the surveyor, any work is necessary upon the roads under his charge, he shall notify each road hand in his precinct, either personally or by written notice, of the time and place they are required to meet for that purpose, directing them to bring a tool suitable for working the road. Said notice shall be given at least three days before the time fixed to begin the work.

§ 9. Any road hand receiving the notice of the surveyor, as provided in the preceding section, may be excused from working for the time specified in the notice, provided he pays to the surveyor, on or before the time appointed to begin the work, seventy-five cents for each day he is required by said notice to work; and the money shall be expended by the surveyor for the benefit of the roads in his precinct; or any hand may be excused from working, provided he furnish a substitute, who must be within the road-working age. Penalties.

§ 10. The surveyor shall keep an account of all the work performed under his orders by each road hand in his precinct. If any hand, after having been duly notified by the surveyor of his precinct, as required in the preceding section, that he is required to work the road, should fail to pay the money to the surveyor as hereinbefore provided, or furnish a competent substitute, or pay to the surveyor seventy-five cents for each day he failed to work within twenty days after such failure, or do the work himself, it shall then be the duty of the surveyor to lay off what, in his opinion, is a reasonable amount of work for an able-bodied man to perform, in a period of time equal to the time said hand has failed to work, and notify him of the fact; and if he does not, within twenty days thereafter, do or cause to be done the work so allotted him, the said surveyor shall proceed at once to the nearest justice of the peace and make oath of the fact; and thereupon said justice of the peace shall issue a warrant, returnable to his court, for the arrest and trial of such delinquent, which warrant shall be placed in the hands of the nearest peace officer, whose duty it shall be to proceed at once to arrest such delinquent and bring him before said justice of the peace for trial; the justices of the peace of said county being hereby given exclusive jurisdiction of this class of cases. Account.

§ 11. If upon trial it appears that he had not sufficient cause for failing to obey the orders of the sur-

veyor, he shall be fined five dollars for each day he has so failed to work ; and if he does not immediately pay or replevy the same, or give bond to the county, with approved security, in a sum equal to double the amount of his fine, that he will work the fine out upon the public roads in his precinct, at the rate of one dollar per day, he shall be at once committed to the county jail, and kept there until the fine is satisfied, allowing one dollar per day for each day he is so confined in jail. Should he give bond that he will work out the fine upon the roads in his precinct, it shall then be the duty of the surveyor to lay off a reasonable amount of work for an able-bodied man to do in the time required to pay his fine, allowing one dollar for each day of eight hours. If the work so allotted to him is not completed within twenty days thereafter, the bond shall be forfeited, and in pursuance thereof such proceedings shall be instituted as now provided by law in case of the forfeiture of any other bond to said county.

Moneys.

§ 12. All moneys recovered from hands for failing to work the road shall be paid to the surveyor of the precinct in which the delinquent lived at the time he failed to work, which said surveyor shall expend in the improvement of the roads under his care. If a fine is assessed against a road hand who is under twenty-one years of age, the father, guardian, or person who, under the law, is entitled to the services of such infant, shall be liable for the fine. If there should be any unexpended balance of road funds remaining in the hands of a surveyor at the time he vacates his office, he shall pay the same to his successor, and take his receipt therefor.

Teams.

§ 13. If, in the opinion of the surveyor, a team is needed in working his roads, he shall obtain the same from one of his road hands, if possible, and give him a credit of two days' work upon his time for each day of eight hours such team is in use in working the road. If he can not obtain the team from one of his road

hands by giving him credit therefor upon his time he may obtain the same from any one, by contract, and pay for the same out of any road funds he may have in his hands; and if he has no money in his hands, the same shall be paid out of the county levy as other claims are paid, upon the certificate of the surveyor and proof of the reasonableness of the claims.

§ 14. In the erection or repair, by the road hands, ^{Bridges or culverts.} of any bridge or culvert, or when they are making any other repairs on the road, they may, with the consent of the owner, take from the adjoining lands so much timber, earth and stone as may be needed. If the owner refuses to furnish the same free of charge, the surveyor may purchase the same with any road funds which he may have in his hands.

§ 15. When, on account of any obstruction, or for ^{Change of road.} any other reason, it becomes necessary to change the road, the surveyor shall have the right to cause the same to be done without an order of court, provided such change shall not exceed a distance of one hundred feet from the old road, nor more than three hundred yards in length. Before proceeding to make such change the surveyor shall solicit the consent thereto of the owner of the land over which the proposed change is to be made, and secure, if possible, a donation of the land for that purpose. If the owner refuses to give his consent or make the donation, the surveyor shall select three disinterested responsible persons to value the lands, and the value fixed by them shall be paid by the surveyor out of any road funds which he may have in his hands. If there are no funds in his hands, he shall give the owner of the land a certificate for the amount, which shall be allowed and paid as other claims against said county.

§ 16. If there should be any work necessary upon ^{Hired work.} the roads in any precinct which, in the judgment of the surveyor, can not be done by the road hands, such as building culverts and bridges, blasting of

rock, etc., and he has not sufficient road funds in his hands to hire the work done, he shall then, provided the cost of the work will not, in his opinion, exceed one hundred dollars, communicate the fact to the nearest county commissioner of said county, giving a brief description of the work to be done; whereupon, it shall be the duty of said commissioner, except as herein provided, to let the same at public outcry to the lowest and best bidder. He shall prepare, and deliver or forward to the surveyor giving such notice, three notices, which shall describe the work to be done, and the time and place at which the same will be let at public outcry. Immediately upon the receipt of such notices by the surveyor, he shall post them in three conspicuous places in his road precinct. He shall reserve the right to reject a bid whenever he deems it to the best interests to do so. No bond shall be required of the contractor, but he shall receive no pay for the work until the same shall have been accepted by the commissioner who awarded the contract, when the contract price shall be allowed and paid in the same manner as other claims against said county are allowed and paid. The county commissioner receiving such notice from a surveyor may let the work by private contract, provided the cost thereof shall not exceed ten dollars. If it is the opinion of the surveyor that the cost of the work to be done will exceed one hundred dollars, he shall notify all of the county commissioners, whose duty it shall be to act jointly as herein provided for one commissioner.

Alteration of
road.

§ 17. When, in the opinion of the surveyor, an alteration of the old road is necessary, and the proposed alteration is greater than that provided for in section 15 of this act, or when in his opinion a new road should be opened in his precinct, he shall notify the county judge of the fact. If upon receipt of such notice, or from other reliable information, or

from his own personal knowledge, the county judge is of opinion that the proposed alteration or new road is necessary, such proceedings shall be had as is provided for such cases in chapter 94 of the General Statutes, title "Roads and Passways."

§ 18. It shall be the duty of each surveyor to re-^{Reports of money.}port, in writing, to the county judge of said county, at the September term, 1889, of the county court, and annually thereafter, which report shall show what amount of road funds have come into his hands during the preceding year; giving the amount received from each road hand and for what purpose; what amount of the same has been paid out and for what purpose; the name of each road hand to whom he has given a receipt for work upon the road to be credited upon his poll-tax, stating the amount of each receipt; also the name of each delinquent road hand in his precinct, stating the number of days each has failed to work after having been duly notified as provided herein. Any surveyor who, without reasonable excuse, shall fail to make such report, shall be fined five dollars for each offense, recoverable by warrant in the name of the Commonwealth.

§ 19. After any road hand has, by order of the sur-^{Work out tax.}veyor, worked upon the public roads in his precinct the number of days required by section 7 of this act, he may, if he so desires, and the surveyor finds that additional work is necessary, pay his poll-tax, or so much as he desires, by performing additional work upon the road. He shall be entitled to a credit of seventy-five cents for each day of eight hours of actual labor performed by him upon the road by order and under the direction of the surveyor. The surveyor shall not allow a hand to work out his poll-tax so long as there are other hands ready to do the work, as a credit upon their time. The surveyor shall give him a certificate in the following form: "I hereby certify that _____ has, during the past year, worked ten days, of eight

hours each, upon the public roads in his precinct, and in addition thereto has, by my order, worked — days upon said roads, for which he is entitled to a credit of — upon his poll-tax. —, surveyor of precinct No. —.” This certificate shall be received by the collector of the county levy of said county as a credit upon the poll-tax of the person to whom such certificate is given, which shall be said collector’s voucher in his settlement with the county. Said certificate shall not be transferable. Any surveyor who knowingly issues such certificate to any one not entitled to the same; or if any road hand, after having received such certificate, shall alter or change any material part of the same, with an intention to defraud the county, shall be fined fifty dollars for each offense, to be recovered by warrant in the name of the Commonwealth. No certificate shall be issued for less than one day.

Keep index.

§ 20. Every surveyor shall keep an index erected at the forks or crossing of all the public roads in his precinct, upon which shall be inscribed in plain letters the name of the most noted place or places to which each road leads. To pay the cost of the same he shall have the right to retain for each index so erected by him fifty cents out of any road funds which may come into his hands.

Penalties.

§ 21. Any surveyor who fails to keep all of the public roads in his precinct in good repair, as required herein, shall, upon conviction, be fined not less than fifteen nor more than thirty dollars, within the discretion of the court or jury trying the case. It shall be the duty of the county judge of said county to visit, at least once a year, each road precinct in the county, and inspect all of the roads, bridges, etc., and issue a warrant for each surveyor who has failed to do his duty; he shall file in the office of the county clerk a report showing the condition of the roads and the name of each surveyor whose roads were found in bad condition.

§ 22. All cases of indictment against road survey- Indictment.
ors now pending in the criminal court of said county shall be transferred to the docket of the county court, which court shall hereafter have exclusive jurisdiction of all proceedings against road surveyors, the defendant having the right of appeal to the circuit court of said county. It is hereby made the special duty of each justice of the peace in said county to report to the county judge any failure on the part of any road surveyor in his magisterial district to do his duty. Upon receiving such information from a justice of the peace, or upon his own knowledge, or upon like information under oath from any citizen of said county, the county judge shall issue his warrant against the surveyor, returnable to his court; and upon the execution and return thereof, such proceedings shall be had as are had in other Commonwealth's cases in said court. It shall be the duty of the county attorney to prosecute all warrants against road surveyors, and for such prosecutions he shall receive twenty per cent. of the fines recovered. If the county attorney fail to prosecute, the court shall appoint some attorney in his stead, who shall receive the same compensation for his services. All fines recovered from surveyors shall be paid into the hands of the county treasurer, to be expended as other county funds in his hands.

§ 23. If, at the expiration of his term of service, it appears that the surveyor has faithfully performed his duty during his entire term of service, the county judge shall issue an order exempting him from road duty for the same length of time he has served as surveyor. But in no case shall he be entitled to this compensation if he resigns before his term of office expires.

§ 24. No hand shall be required to work the road upon the first day of any court in said county, nor on any election day; but upon any other week day

the surveyor may call out all or any number of the hands in his precinct: *Provided*, That no hand shall be required to work more than two days in the same week.

§ 25. Any county judge or county commissioner of said county, who fails to perform any of the duties imposed upon them by this act, shall be subject to all the pains and penalties prescribed by existing law for failure to discharge their duties.

§ 26. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, and chapter 94 of the General Statutes, title "Roads and Passways," shall be in force in all cases not provided for by this act.

§ 27. This act shall apply only to Floyd county, and shall take effect from its passage; and after its approval the Public Printer shall print two hundred copies for distribution in said county.

Approved April 24, 1888.

CHAPTER 1247.

AN ACT for the benefit of school district No. 4, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 4, Greenup county, shall have power to levy an additional tax, of not to exceed fifteen cents on each one hundred dollars of taxable property in said district, for school purposes; also the power to levy a *per capita* tax of one dollar on each legal voter in said school district in order that said school district may be enabled to have a school of nine months in each year.

§ 2. The tax so levied shall be collected and accounted for in the same manner that taxes now levied for school purposes are required to be collected and accounted for.

§ 3. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1248.

AN ACT to amend an act, entitled "An act to incorporate the Danville Gas Light Company," approved April 23, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 2 of an act, entitled "An act to incorporate the Danville Gas Light Company," which was approved April 23, 1873, be so amended as to read as follows : That said company shall keep an office in the city of Danville ; it may borrow money ; and its business shall be to construct and establish gas-works in the city of Danville, and to supply said city and its inhabitants with gas of all kinds, both for lighting and heating purposes ; and said company is authorized and empowered to supply said city and its inhabitants with electric light ; and for the purpose of manufacturing and vending the said electric light, it is authorized to purchase the necessary plant and machinery.

§ 2. That in the event there should be any surplus funds in the treasury at any time belonging to said corporation, the president and board of directors are authorized to invest said surplus in the purchase of any of its bonds that may be outstanding and unpaid, or in the purchase of any number of the shares of its capital stock that may be deemed wise or expedient by the said president and board of directors in their discretion.

§ 3. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1249.

AN ACT to authorize the Harrison county court to work persons confined in the county jail at hard labor upon the poor-house or infirmary farm, as provided in article 1 of an act approved April 10, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Harrison county court, by proper orders, may confine at hard labor, upon the poor-house or infirmary farm, any and all persons that may be confined in the county jail of said county under sentence of hard labor, as provided in article 1 of an act approved April 10, 1878.

§ 2. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1250.

AN ACT to extend the town limits of the town of Beattyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of the town of Beattyville, in Lee county, Kentucky, be, and they are hereby, extended so as to include within said town the following boundary, viz: Beginning at the south-east corner of Samuel Beatty's garden fence, on Lower Stufflebean creek, in the north forty-one east line, running from H. C. Dickerson's tramway, on the river; thence up the creek north seven and one-half east thirty-seven and one-half poles to the corner of R. W. Watson's fence; thence north eighty-five and one-quarter west twenty-seven and one-half poles to a black oak on the hill; north fifty-seven and one-half west twenty-four poles to a beech; north forty-three and one half west forty-four poles to a large rock at the top of the hill on the road, corner to James A. Hill; south thirty-four

west twenty-eight poles, with Hill's line, to a hickory; north sixty-four west thirteen and one-half poles to a mulberry; north eighty-three and one-half west thirty poles to Silas Phillips' fence; south twenty-one west twenty-two poles; south eighteen, east eleven poles; south two and one-half, west twenty-two poles; south thirty, west ten poles; south seventy-six, west twelve poles; south seven, east thirty-four poles; south forty-nine and one-half, east twelve poles, to a branch; thence with the meanders of said branch to the main Kentucky river; thence up the river with its meanders south eighty-six east to Dickinson's tramway, the place of beginning.

§ 2. This extension of the town shall be known as John H. Beatty's addition.

§ 3. That all acts or parts of acts containing boundaries of said town inconsistent herewith, are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved April 24, 1888.

CHAPTER 1251.

AN ACT for the benefit of Josiah Wilson, of Metcalfe county.

WHEREAS, Josiah Wilson, of Metcalfe county, did, on the — day of September, 1886, arrest one E. T. Russell, a mule thief, and carry him before the judge of the Hart county court, and he, the thief, waiving an examination, gave bond for the sum of six hundred dollars for his appearance at the next sitting of the Hart circuit court, and he failing to appear for trial, therefore forfeiting his bond, and the court failing to convict, although indicted, because of his not being present; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and

he is hereby, ordered to draw his warrant upon the Treasurer in favor of Josiah Wilson for the sum of fifty (\$50) dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1253.

AN ACT to amend an act, entit'ed "An act to incorporate the Farmdale and Bridgeport Turnpike Company," approved January 21, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 6 of an act, entitled "An act to incorporate the Farmdale and Bridgeport Turnpike Road Company," approved January 21, 1870, be amended by striking out the word "forty," in the fourteenth line thereof, and inserting "twenty-five."

§ 2. This act shall take effect from its passage.

Approved April 24, 1888.

CHAPTER 1254.

AN ACT to repeal an act, entitled "An act to prohibit the sale, barter and traffic in spirituous, vinous or malt liquors in Christian county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Act repealed. § 1. That an act, entitled "An act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Christian county," approved April 9, 1886, be, and the same is hereby, repealed.

Vote. § 2. Before the provisions of the foregoing section shall take effect and be in force, an election shall be held in Christian county to take the sense of the legal voters of said county on the question of the repeal of said act, approved April 9, 1886. Said election shall

take place on the first Saturday in the month of March, 1889, and it shall be the duty of the county judge of said county to appoint the officers of said election as now required by law. The county clerk of said county shall furnish poll-books for each precinct, with two columns, one to be headed "For the repeal of the act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Christian county," and the other "Against the repeal of the act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Christian county," and in these columns shall be entered the vote as polled; those voting for the repeal of said act prohibiting the sale, barter and traffic in said liquors in said county shall be construed as voting in favor of this act. The officers conducting the election shall certify the result, and cause the poll-books to be returned in three days after said election to the county court clerk's office; and it shall be the duty of the county judge, sheriff and county court clerk to count and compare the vote and poll on this question within three days after the return of said poll-books. And if it shall appear that a majority of the legal voters who voted on this question are in favor of the repeal of said act prohibiting the sale, barter and traffic in spirituous, vinous and malt liquors, said officers shall make a certificate of the fact, showing the vote as given, which certificate shall be entered of record in the order-book of the Christian county court, and the provisions of this act shall then be in force.

§ 3. After this act is ratified by the people, and declared to be in force as above directed, it shall be lawful for any person holding a license under the general laws of this Commonwealth to sell, barter or traffic in spirituous, vinous and malt liquors in Christian county.

§ 4. This act shall take effect from its passage.

Approved April 25, 1888.

CHAPTER 1255.

AN ACT to amend an act, entitled "An act to amend the charter of West Covington, in Kenton county," approved April 21, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of section 5 of an act to amend the charter of West Covington, in Kenton county, approved April 21, 1882, as provides for the payment of the cost of the intersections of streets and street crossings out of the general fund of said town in the improvement of streets, be, and the same is hereby, repealed. And that hereafter the cost of street intersections and street crossings, in the improvement of streets under the charter of said town, shall be estimated and included in the cost of the improvement of said streets respectively, and be equally ratably apportioned and charged between and upon such lots and parts of lots and parcels of land fronting and abutting on the streets improved.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1888.

CHAPTER 1256.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelbyville," approved March the 22d, 1873, and all subsequent acts amendatory thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section twenty of said "Act to amend and reduce into one the several acts in relation to the town of Shelbyville," approved March 22d, 1873, be amended and changed so as to read as follows: There shall be elected by the qualified voters of the town of Shelbyville a judicial officer, to be styled "Judge of

the city court of Shelbyville" (whose court shall be styled "The city court of Shelbyville"), who shall hold his office for four years as now provided by law.

§ 2. That wherever in said act (referred to in section one of this act), and all acts amendatory thereto, the terms "the police judge of Shelbyville" or the "police court of Shelbyville" are used, they shall hereafter apply with the same force and effect and for all purposes to the judge of the city court of Shelbyville and to the city court of Shelbyville.

§ 3. That the powers and duties, the jurisdiction and authority, of the "judge of the city court of Shelbyville" and the "city court of Shelbyville," shall be the same in all respects as they have been heretofore under the laws and ordinances of the town in relation to the police court of Shelbyville and the police judge of Shelbyville.

§ 4. This act shall take effect from its passage.

Approved April 25, 1888.

CHAPTER 1257.

AN ACT authorizing the commissioners of the sinking fund of Clark county to issue bonds for the improvement of county property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the sinking fund of Clark county be, and they are hereby, empowered to issue bonds of said county, not exceeding ten in number, of one thousand dollars each, with coupons attached, payable at the Clark county National Bank, of Winchester, Kentucky, in one, two, or five years from date, in the discretion of the commissioners, bearing interest from date at a rate not exceeding six per cent., payable semi-annually, for the purpose of raising money to pay for certain improvements

made and to be made on the court-house in said county.

§ 2. Said bonds shall be signed by the county judge and clerk of said county, and delivered to the commissioners of the sinking fund upon demand of said commissioners entered of record, upon the terms and in the numbers specified in the order of said commissioners.

§ 3. This act shall take effect from and after its passage.

Approved April 25, 1888.

CHAPTER 1258.

AN ACT to authorize the county court of Pulaski county to take stock in turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Take stock in
turnpikes.

§ 1. That the county court of Pulaski county, a majority of the justices of the said court agreeing thereto, be, and are hereby, empowered to take stock to the amount of five hundred dollars per mile, and make an appropriation to pay same, to aid in the construction of any turnpike road or roads to be built in said county.

Duty of officers.

§ 2. That when said county court shall make an order subscribing any amount of capital stock to any such turnpike road, it shall be the duty of the county judge, or some officer or person designated by the court, to subscribe and pay said stock as directed by the orders of the court, and under the provisions of the charter of the turnpike road company or corporation building or proposing to build said turnpike road.

Bonds.

§ 3. That the said court may execute the bonds of the county, of such denomination as the court may choose, not less than fifty dollars each, in printed

form, under the seal of the county, signed by the presiding judge of the court, and countersigned by its clerk, payable when and where the court may elect, with annual or semi-annual interest coupons, at a rate of interest not to exceed eight per cent. per annum, and to be sold for the purpose of raising money to pay for said turnpike stock.

§ 4. That to provide for the payment of the principal and interest of the said bonds, the said court is hereby authorized to levy an ad valorem tax, not to exceed ten cents to a hundred dollars, on all the property in said county subject to taxation for county or State purposes, for each and every year that such tax may be necessary. And the proceeds of said tax, together with the dividend accruing to the county on its stock in said turnpike roads, shall be paid to the treasurer of the county, who shall apply it in payment of the principal and interest of the said bonds, under the directions of said court. Levy tax.

§ 5. That the court shall designate the county treasurer, or, if there be no such officer, a special treasurer, to receive and pay out the funds mentioned in section 3; and such treasurer shall, before receiving any of said moneys, execute a good and sufficient bond, with good surety, approved by the court, for the faithful performance of his duties. Treasurer.

§ 6. That the sheriff or collector of taxes of said county, and his sureties, shall be responsible on their bonds for the collection of the tax herein authorized, in the same manner they are responsible for the ordinary county levy; shall have and exercise the same powers in the collection thereof as they have by law for collecting the county and State taxes; and shall, under the same penalties, pay over the same to whom the court may appoint treasurer, and at such times as the court may require. Sheriff.

§ 7. That the presiding judge of said county shall be *ex officio* a member of the board of directors of any turnpike road in the county in which the county Judge.

owns stock, and shall represent the county, and cast the vote or votes to which it may be entitled in all the meetings of said board.

§ 8. This act shall take effect from its passage.

Approved April 25, 1888.

CHAPTER 1259.

AN ACT to incorporate the Brooksville and Mount Olivet Turnpike Road, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporate.

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the "Brooksville and Mt. Olivet Turnpike Road Company," for the purpose of constructing a macadamized turnpike road from the mouth of the McKibben dirt road, on the Bracken Turnpike Road, thence by the nearest and most practical route to the North Fork of Licking river, at the mouth of Camp creek, in Bracken county.

Capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each.

Commissioners.

§ 3. The following commissioners, or such of them as will act, shall be authorized to take subscriptions to stock of said company, viz: George W. Myer, William Huffman, A. H. McBeth, J. M. Walker, Albert Owens, John Connors and S. W. Bradford, who may open books at such times and places as they or any two of them may think proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken.

§ 4. The commissioners shall procure books, in which the stockholders shall enter into the following obligations, to wit: We, whose names are hereto subscribed, promise to pay to the president and di-

rectors of the Brooksville and Mt. Olivet Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the rate of six per cent. per annum until paid.

§ 5. That the stockholders shall be entitled to on vote for every share of stock held by them; and when any stockholder desires, he may vote by proxy, in writing, at any election of directors.

§ 6. That a president and five directors shall be elected by the stockholders at a public meeting to be held at Pleasant View school-house, at such time as said commissioners, or a majority of them, may deem proper, notice of the time of said election to be given by posting up notices at three or more public places along the route of said proposed road for ten days previous to the election.

§ 7. That the president and three directors may call a meeting of the stockholders or of the directors at any time they may desire or deem it necessary. The president and three directors shall constitute a quorum, or, in the absence of the president, four directors shall constitute a quorum to transact business; and as soon as fifteen hundred dollars of stock is subscribed, and the company is organized, said company may commence and proceed with the construction of said road.

§ 8. The board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; may have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and make such by-laws as they may deem necessary which do not conflict with the laws of this State or of the United States.

Powers.

§ 9. The president and directors shall have power to fix the grade, locate, build and establish said road between the points designated ; and may acquire by purchase, gift, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the road upon the most eligible route between said points ; also ground for the toll-houses, and such timber, rock quarries, etc., as may be necessary for the completion of the road and keeping the same in repair, paying a reasonable compensation therefor ; the road to be forty feet wide, and the part of it graded and covered with rock not less than fourteen feet wide.

County of
Bracken.

§ 10. The county court of Bracken county may subscribe and hold stock in said company upon the same conditions as other stockholders, and according to the act of the General Assembly of Kentucky authorizing and empowering the county court of Bracken county to take and subscribe stock in turnpike roads in said county.

Terms of office.

§ 11. That the president and directors shall hold their office for a term of twelve months, excepting the first ones elected ; and after the first election they shall be elected on the first Saturday in May of each year, at such place and between such hours as the board of directors shall appoint. They shall keep, or cause to be kept, a fair and just account of all money which shall be received by them, and all money paid out by them in the prosecution of said work ; and all costs and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every fiscal year after the completion of the road, shall make and declare a dividend of the net profits, if any, and pay the same to the stockholders on the first Saturday of May in each year.

Toll.

§ 12. That the board of directors shall, in their discretion, have the authority to erect a toll-gate or gates at such places as they may see proper, and em-

ploy gate-keepers, take bond from them, and fix their salaries ; and they shall collect toll from persons traveling on or using said road, the rates to be the same as authorized by law on other turnpike roads in said county.

§ 13. The stock shall be transferable, provided the same shall have been fully paid. Stock, how transferred.

§ 14. That if any of the stockholders in said road shall fail or refuse to pay the stock subscribed, or the calls for the same when due, they shall be liable to suit to enforce the collection of the same in any court having jurisdiction.

§ 15. The said corporation shall have full power to do all other acts and things that may be necessary to be done to locate, establish and complete said turnpike road.

§ 16. This act shall take effect from its passage.

Approved April 25, 1888.

CHAPTER 1260.

AN ACT to incorporate the Midland Guarantee and Surety Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. H. Lindenberger, Henry V. Sanders, Incorporators. J. M. Fetter, Theodore Harris, Jacob Krieger, Sr., and S. H. Garvin be, and they are hereby, together with their successors, incorporated a body-politic and corporate, by the name of the Midland Guarantee and Surety Company, for the purpose of carrying on business of a guarantee company in all its various Object of incorporation. branches and departments, by interposing the guarantee or suretyship of the said company for the integrity and faithful accounting of corporations, their officers or agents, of agents of all kind from whom bond may be required, and for all persons and corporations who may be required by law to execute bond

or an obligation in any action, suit, special proceeding or otherwise, in any court or judicial proceeding or investigation, and of all persons who may be required by law to execute bond as trustee, express or implied, and of other persons in transactions which the company may approve, on payment of an annual sum or any periodical sum, either in gross as a per centum in proportion to the amount of security required, and of the circumstances of every individual case, on such terms and conditions as the directors of the company may prescribe or agree to, and within the powers and authority herein granted.

Rights and
privileges.

§ 2. Said company shall have power to sue and be sued, contract and be contracted with, and to make all agreements or contracts of every kind and character necessary or proper in the execution of the powers and for carrying on the business hereby authorized; it shall also have the power to do all acts, express or implied, that corporations of this class may generally do according to law; it shall have perpetual succession, a common seal, and may do and perform the business herein authorized by or through its officers or agents.

Capital stock.

§ 3. That the capital stock of said company shall be two hundred thousand (\$200,000) dollars, divided into shares of one hundred dollars each, with power to increase said capital stock to the sum of five hundred thousand (\$500,000) dollars. Before beginning business the entire two hundred thousand shall be subscribed, and one hundred thousand dollars of said capital stock shall be paid up, and the balance of said two hundred thousand dollars shall be paid for within one year after the business is begun on call of the directors. Should the stock be increased as above authorized, it shall be paid in upon call of the directors. One half of the paid-up capital stock of the company shall be kept invested in bonds or mortgages for the protection of the persons, natural or artificial, to whom said guarantee or surety may be given, or for

whose benefit the same may be given. But at any time should it become necessary to use any part of said invested capital stock, or of any funds that may belong to the company and be invested by it in mortgages, bonds, or other securities, then, if such investments are not due, or the immediate conversion of the same into money would be injurious to said company or its stockholders, the said company may borrow a sum not exceeding the amount necessary to meet such exigency and discharge the same therewith, and thereby preserve intact its said investments.

§ 4. That after the passage of this act the persons Books be opened. hereinbefore mentioned, or a majority of them, shall cause books of subscription for the capital stock of the company to be opened in the city of Louisville, and at such other places and under such regulations as they may deem proper ; and when the entire two hundred thousand dollars capital shall have been subscribed, and one hundred thousand dollars paid up, the stockholders making such subscriptions shall meet and elect a board of directors of not exceeding twenty-five members, who shall be stockholders, and a majority of whom shall be citizens of the State of Kentucky.

§ 5. The board of directors hereby authorized shall Board of directors. have power to make the by-laws of the company, and to prescribe such regulations for the transaction of business of the company as shall be deemed necessary for the management of its affairs, not inconsistent with the Constitution of the United States or of the State of Kentucky ; and said board may, from time to time, amend or change said by-laws. Said board may appoint an executive committee from their number, having the same powers to transact the business of the company when said board is not in session, which board shall have power and authority to carry on business of the company, or it may delegate the same to said executive committee, which shall report its

acts and doings to said board, at such times and under such regulations as said board may prescribe. The board of directors shall have the power to provide what number of the board, not less than five, shall constitute a quorum for the transaction of business, and until the board shall so provide, five members thereof shall constitute a quorum for that purpose; and said board may remove any member of the executive committee at pleasure, for reasons it may decree sufficient.

Directors elected § 6. The board of directors shall be elected annually, and shall hold their offices until their successors are elected and qualified. The time of the annual election shall be fixed by the board of directors through its by-laws, but notice of that time shall be mailed to each stockholder by the board of directors.

Appoint inspectors. § 7. That the board of directors of the company shall appoint three inspectors of the election of the board of directors before such election shall be held, whose duty it shall be to hold said election, fairly and properly, according to the terms of the charter hereby granted. Said election shall be open, and by *viva voce* vote, which may be cast in person or by proxy, and a majority of the votes shall elect. At all meetings or elections, either of the board or stockholders, each share of the capital stock shall be entitled to one vote; but no person shall cast any vote unless the books of the company shall, for twenty days before such election, show him, her or it to be the owner thereof.

President, vice-president, treasurer and manager. § 8. The board of directors shall, at their first meeting, elect from among their number a president, vice-president, manager, and treasurer, and such other subordinate officers and agents as they may deem essential or proper for the conduct of the business of the company. The president, vice-president, manager, and treasurer shall hold their respective offices for the term of one year, and until their successors are elected and qualified. They shall each give bond

to the company for the faithful discharge of his duties, in such sum as the board of directors may require. The other officers and agents authorized to be elected shall hold their offices and agencies subject to the will of the board of directors; and if said board of directors so requires, shall execute bond to the company for the faithful discharge of his duties, and take an oath to that effect. The offices of manager and treasurer shall not be incompatible with each other.

§ 9. The board of directors shall have power at any time to appoint such additional officers, agents and clerks as said board shall deem proper for carrying on the business of the company, and the persons so appointed shall hold office during the pleasure of the board.

§ 10. The election of officers by the board, as hereinbefore authorized, shall be at the first meeting of the board after each election of the board of directors. If any vacancy occurs in said board in the intervals between the annual elections thereof, they may be fulfilled by the board for the unexpired term. Any directors or officers shall be eligible for re-election. The board of directors shall have power to fill vacancies in any of the offices which they have power to fill themselves until the annual election next succeeding such vacancy.

§ 11. That the principal place of business of the company shall be Louisville, Kentucky. The company shall have power to open subordinate offices and transact business at any other place in or outside of Kentucky on like terms and conditions as set forth in this charter. It shall be the duty of the president and treasurer of the company to report the condition of the company, embracing its assets and liabilities, to the county court, at intervals of not exceeding two years, which court shall examine and receive said report, and cause the same to be recorded in the county court clerk's office of Jefferson county.

§ 12. In the event no annual election shall be held at the time fixed for such election, then a called election shall be held upon a day to be fixed by the board of directors, who shall give the stockholders ten days' notice thereof, at which election the board of directors to serve until the next regular election, shall be elected in the same manner as if elected at the regular annual election.

§ 13. This corporation is authorized to transact business under this charter for thirty years from its approval.

§ 14. This act to be in force from its passage.

Approved April 25, 1888.

CHAPTER 1261.

AN ACT to incorporate the Boyd County Fair Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. L. Geiger, Jr., S. S. Savage, Dr. J. H. Wade, M. H. Houston, John Russell, Jr., Paul Kubacker, P. Marion, Jr., A. J. Wittig, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the style of the Boyd County Fair Association, with perpetual succession; have full power to receive, acquire and hold, by purchase, lease, gift, subscription, etc., any and all lands, moneys and estate, real or personal, for the purposes hereinafter stated; to sell, transfer or convey the same; and under said name may, in their corporate capacity, sue and be sued, plead and be impleaded, in any court of law or equity; and may have and use a common seal, and alter or abolish the same at pleasure.

§ 2. That any four of the above-named persons constitute a board of commissioners, *pro tempore*, to

transact any business in the interest of said association; may, within three years from the date hereof, open books for the subscription of stock, and whenever one thousand dollars are subscribed, at their discretion, call a meeting of stockholders for the election of a board of seven directors for one year, or until their successors are duly elected and qualified; and the said stockholders shall hold a similar meeting, annually, on the fourth Saturday of October; but if, from any cause, they fail to hold an election on that day, the board of directors incumbent may, at their discretion, call a meeting for that purpose on any day they deem expedient, by giving notice twenty days previous thereto, in any newspaper printed in Boyd county, or by mailing written or printed notices to the several stockholders, and may, by giving similar notices, call a meeting at any time for any purpose, in their judgment, necessary to the interests of said associations.

Meeting of stockholders.

§ 3. That the object of said association shall be the promotion, improvement, development and the encouragement of the agricultural, mechanical, mining, manufacturing, stock-raising and general industrial interests and resources of its vicinity; and for the purpose of said interests, the board of directors may hold one or more exhibitions annually, offering such premiums and rewards as in their judgment are conducive thereto.

Object of association.

§ 4. That the capital stock of said association shall be forty thousand dollars, to be divided into shares of ten dollars each, to be paid or transferred, or otherwise controlled, as provided in the constitution and by-laws thereof.

Capital stock.

§ 5. That the prudential, financial and other concerns of said association, together with all its property and real estate, if any, and every kind, shall be under the control of the president and directors, who shall have power to make and adopt such a constitution, by-laws, rules and regulations, not inconsistent

Real estate.

with the laws of this State or of the United States, and alter or repeal the same at pleasure, as in their discretion are necessary to the management or conducive to the interests of said association; and may require of stockholders to affix their respective signatures to said constitution, by-laws, and so forth, as fully consenting to the terms thereof, and conditional to the ownership of stock in said association.

§ 6. That the board of directors, a majority of whom Board of directors. shall constitute a quorum, shall elect one of their number president, whose vote, in cases of a tie, shall be decisive; and the board of directors shall have power to fill vacancies occurring in their body by death, removal, resignation or otherwise, by election from the stockholders; and they shall have power to elect a treasurer, one or more vice-presidents, and one or more secretaries, and such other officers as necessary to the interests of said association; and may require of all its officers bonds, with security, for the faithful discharge of their respective duties.

§ 7. That for and during the days on which said Hold exhibition. association may hold its exhibitions, the board of directors may, for satisfactory consideration, rent or lease to, and have exclusive control over, shows, menageries, minstrel troupes, curiosities, swings, booths for refreshments, sale stands and similar institutions, the privilege of exhibiting or selling within their grounds, with exemption from taxes, fines or license, State or municipal: *Provided*, That said board of directors shall not allow within their grounds, or the vicinity thereof, any immoral exhibition, or any gambling devices, swindling, or the sale or gift of any intoxicating liquor.

§ 8. That for and during the days on which said Privileges. association may hold its exhibitions, no person shall, without the consent of the board of directors first had and obtained, erect on any lot or land, road, street or alley, within the distance of three hundred yards of the boundary of the grounds owned

or leased by said association, any booth, stall or shed or station, any table, stand, wagon, cart or other vehicle, for the sale or gift of any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, etc.; and any person who shall violate the provisions of this act shall be liable for a fine of not less than five nor more than twenty dollars for each separate act of selling, to be recovered by a warrant from the mayor's city court of Ashland, and tried before said mayor of Ashland; and all fines so recovered shall be for the benefit of said association.

§ 9. That the board of directors aforesaid, during the days aforesaid, shall have power to remove any booth, stall, shed, table, stand, wagon, cart or other vehicle, on or at which any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, etc., are sold or offered to be sold, within the distance aforesaid of the grounds of said association, without the consent of the board of directors aforesaid first had and obtained; and they may also, by their marshals and police, arrest any disorderly person within their grounds, or the distance thereof aforesaid, who may annoy or disturb the crowd in attendance, or obstruct the gates of entrance, or otherwise interfere with their exhibitions, and bring them summarily before the mayor's city court of Ashland to be dealt with according to law.

§ 10. That any person who shall, at any time, trespass on the grounds owned or leased by said association, by hunting, shooting, fishing, gaming for money, or by lewd or immoral conduct, or by marring, defacing or otherwise injuring the trees, shrubbery, ornaments, buildings or other property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two dollars nor more than twenty dollars for each offense, or, in default of the payment of whatever fine may be imposed, imprisonment in the city jail of Ashland for not less than twenty

days; such fine recoverable by warrant in the name of the Commonwealth from the mayor of the city of Ashland, or by indictment in the mayor's city court of Ashland; and in case of a warrant from the mayor's city court of Ashland, it shall be the duty of the city attorney to prosecute, and in case of indictment it shall be the duty of the city attorney to prosecute; such attorney to have twenty-five per cent. of all fines collected, provided he herein prosecutes as required; and all fines collected under this act (less prosecuting attorney's fees) shall be for the benefit of said association.

§ 11. That the board of directors shall have power to appoint a marshal, and as many policemen as they shall deem necessary, who shall take the oaths prescribed by law for constables before the mayor of the city of Ashland, or some justice of the peace for Boyd county, and who shall have the same power in making arrests, and suppression of riots, routs and disorderly conduct within the limits of said fair ground, to the same extent as constables have.

§ 12. That the stockholders shall not be liable for any debts of said association to any greater extent than the amount of stock subscribed by them.

§ 13. This act to take effect and be in force from its passage.

Approved April 25, 1888.

CHAPTER 1262.

AN ACT to incorporate the Shelby Tobacco Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Kinkel, L. A. Weakley, James Guthrie, W. R. Goff, Tom Wallace, J. H. Maddox, and L. Chowning, their associates, successors and assigns, are hereby constituted a body-politic, incorporated under

Incorporators.

the name of Shelby Tobacco Company ; and by such name shall sue and be sued, contract and be contracted with, acquire, hold, and convey property of every kind. The place of business of said company shall be in Shelbyville, Kentucky, but may be changed to any town or city of this State by a majority of the votes of the stockholders.

§ 2. The affairs of said company shall be managed ^{Directors} by a board of not less than three nor more than seven directors, to be elected by the stockholders every two years on the first Saturday in June. Each stockholder shall be entitled to have one vote for each share of stock owned by him in said company, and a plurality of votes cast shall elect. Votes may be cast in person or by proxy in writing. The board of directors shall ^{President.} elect a president, vice-president, and such other officers and employes as may be necessary to carry on the business of said company. Said C. Kinkel, L. A. Weakley, James Guthrie, W. R. Goff, Tom Wallace, J. H. Maddox, L. Chowning, are hereby constituted and appointed a board of directors for said company, to serve as such until their successors are elected and qualified.

§ 3. The general nature of business shall be the man- ^{Nature of busi-} ufacture and sale of tobacco, and the purchase and sale ^{ness.} of any materials or crude stuffs necessary in said business ; also to acquire, hold, and dispose of all needful real estate ; to lease and hold all structures, fixtures, machinery, and implements of every kind, necessary for the conduct of said business ; and to sell and dispose the right to manufacture any brand of tobacco under the process owned and controlled by said company. Said company may adopt such trade marks as shall be deemed proper.

§ 4. The capital stock of said company shall con- ^{Capital stock.} sist of any amount not exceeding two hundred thousand dollars, divided into shares of one hundred dollars ; and said company may begin business when one hundred shares of said stock are subscribed for ;

and the said stock may be paid for and disposed of in such manner as said directors may provide. All such subscribers for the capital stock of said company as shall fail to pay the first call made by said directors, at such time and place as may be designated, shall cease to be stockholders. And in case any subscriber shall fail to pay the second, or any subsequent call made for the unpaid balance of his subscription, and remain in default for sixty days from the date of such call, the board of directors may, in its discretion, forfeit his stock for the benefit of the company upon the company refunding to him his money. No transfer of stock shall be binding, as to the company, until it shall have been notified thereof and the same transfer has been entered upon the books of the company; and a lien is hereby created in favor of said company on the stock of each share-holder for any claim that the company may have for any unpaid part of his shares of stock to said company.

§ 5. This act shall take effect from and after its passage, and continue for twenty years.

Approved April 25, 1888.

CHAPTER 1264.

AN ACT to incorporate the Farmers and Miners' Bank of Deposit in the town of Jellico.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock. § 1. That there is hereby established a bank of deposit in the town of Jellico, Kentucky, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Farmers and Miners' Bank of Jellico, and shall be

capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank shall be under the control and direction of five directors, each of whom shall be a stockholder. After the first election, they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and shall take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholders to said corporation: *Provided*, The certificate of stock of such stockholder shall be pledged to the bank.

§ 3. That Geo. P. Rose, John W. McCarty, W. C. Rose, and J. L. Rose are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two hundred shares of stock shall have been sub-

scribed for, it shall be their duty to give notice, in a newspaper published in Whitley county, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: There shall be paid ten per cent. on the amount of each subscription within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper in Whitley county for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be forfeited shall be held for the benefit of the corporation. Said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice or notary.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract; and may deal in the loaning of money, in exchange, promissory notes and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the former as may be agreed upon, in all respects as natural persons may do under the common law.

§ 5. That the said corporation may hold, possess, use, occupy, and enjoy all such real estate, goods

and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt or purchased in satisfaction, or to aid in the satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make such by-laws as they deem necessary: *Provided*, The same be not contrary to the Constitution or laws of this State or of the United States: *Provided*, No real estate purchased by it in satisfaction, in whole or in part, of any debt, judgment or decree, shall be held by it for a longer period than five years.

§ 6. That it shall not be lawful for said bank to issue any notes or bills to be passed or used as currency.

§ 7. That the General Assembly shall have the right to examine the affairs of said corporation by any committee, officer or agent they may appoint for that purpose.

§ 8. That this act shall take effect from its passage, and continue in force twenty-five years.

Approved April 25, 1888.

CHAPTER 1265.

AN ACT for the benefit of the town of Belle Point.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of establishing and carrying on a public school for white children for ten months during each year, in the town of Belle Point, the board of trustees thereof are hereby empowered to levy a tax annually, of not more than twenty-five cents on each one hundred dollars' worth of taxable property of white citizens in said town, to supplement the present common school fund.

§ 2. Said tax may be collected by the town marshal, Tax.

or any other officer authorized to collect taxes, as the said board may elect, in the same way as other similar taxes in this Commonwealth are collected; and when collected, the same shall be paid over to the treasurer of said town, provided he has first executed a bond for the faithful performance of his duties as required by law.

Money, how
paid out.

§ 3. Said money shall be paid out by said treasurer upon the written order of the board of school trustees for the district in which said town of Belle Point is situated: *Provided*, That all money so ordered to be paid out shall be for the salaries of the teachers of the public or common school in said district.

Who may attend
school.

§ 4. All white children of the pupil age, as required by the laws of Kentucky, residing in said town, shall have the privilege of attending said public or common school for ten months during each year; and all white children of pupil age residing in said district, but outside of the town limits aforesaid, shall be allowed to attend said school for the first five months free of charge; but after that time they shall pay such tuition as the said trustees may require, not exceeding twenty-five cents on each one hundred dollars of property assessed by the assessor upon the property of the parents of said children; and the said trustees may also allow children of pupil age, outside of the district, to attend said school upon payment of such tuition as the said trustees may require.

Teachers.

§ 5. Said trustees may employ teachers and make all proper rules and regulations for the carrying on of said school. But nothing in this act shall be construed to change the law now in force in regard to the election, powers, duties and responsibilities of said trustees.

§ 6. This act shall take effect from and after its passage.

Approved April 25, 1888.

CHAPTER 1266.

AN ACT to provide for the holding of primary elections in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any election hereafter to be held by any political party in the county of Johnson, for the selection of delegates to any convention, or for the nomination of candidates for office, may be called or ordered by published notice, which shall state the purpose, time, manner, condition, together with the places, of holding such election, the authority by which the call or notice is published, and the persons who shall act as judges at each poll of said election, who shall be legal voters of the precinct or election district of which they are judges. Said notice shall also prescribe the qualifications of persons entitled to vote at such election: *Provided*, That the qualifications so prescribed shall not be inconsistent with the provisions of this act, nor with the general election laws of the State.

§ 2. It shall be unlawful for any one to vote at such primary election who would not, at the time of voting, be a legal voter under the Constitution and laws of the State for the office for which the nomination is being made; and they must, in addition thereto, possess the qualifications prescribed in the call for such primary election. Any one violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, fined not less than twenty-five dollars nor exceeding one hundred dollars for each offense.

§ 3. A primary election, within the meaning of this act, is an election held under the order of the constituted authority of any political party in said county at which a person is to be voted for as delegate to any convention of said party, or as the nominee of said

party, for all offices to be filled by an election afterward to be held for said office by the voters of said county, or any district or election precinct therein.

§ 4. It shall be the duty of all persons who act as judges and clerks at said election to take an oath before some officer authorized to administer oaths that they will faithfully discharge their duties as such, and to see that an accurate poll of the vote cast is kept, and to refuse the votes of all persons not entitled to vote, and to balance up and certify the poll-book, and send the same, under seal, by one of the officers of the election, to be selected by them, to the clerk of the county court, whose duty it shall be to keep the same on file for two years thereafter, or so long as any prosecutions may be pending in the courts wherein such is used as evidence; and said books so made and kept shall be evidence of the facts therein stated.

§ 5. Any officer of such election, or other person who shall falsely certify to any fact in said poll-book, or who shall alter, deface, erase or change the same, shall be guilty of a misdemeanor, and, upon conviction, fined not less than twenty-five dollars nor more than one hundred dollars.

§ 6. It shall be unlawful for any person to influence, or offer to influence, the vote of any person at such an election, or any delegate at a convention, if such delegate shall have been elected under the provisions of this act, by the use of money or property of any kind whatever; and any one so offending shall be subject to the same punishment therefor as is or may hereafter be prescribed by the general laws of the State for bribery or attempted bribery at general elections.

§ 7. It shall be unlawful for any one to bet, or make a wager of money or property or other thing of value, on the results of such an election; and any one violating the provisions of this section shall, upon conviction, be punished in the mode now prescribed by

the laws of the State for betting on the results of a regular election.

§ 8. It shall be the duty of the judge of the criminal court of said county to specially charge the grand jury in regard to any violations of the provisions of this act.

§ 9. No part of the expenses incident to the holding of elections under this act shall be chargeable to the county of Johnson nor to the State.

§ 10. This act shall take effect and be in force from and after its passage.

Approved April 25, 1888.

CHAPTER 1267.

AN ACT to incorporate the Plum Creek Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. E. C. Lewis, Charles S. Grubbs, J. W. Campbell, L. M. Kirkpatrick and A. P. Jackson, be, and they are hereby, appointed commissioners, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of the mining company hereby incorporated. Incorporators.

§ 2. That the capital stock of said Plum Creek Mining Company shall be one hundred thousand dollars, in shares of one hundred dollars each ; which, however, may be increased by a vote of two-thirds of the stock at any regular meeting, or at a meeting called for that purpose by the holders of one-third of the stock or by the president. Capital stock.

§ 3. That so soon as two hundred and fifty shares of said capital stock shall be subscribed or more, and fifty shares or more paid up, any two of said commissioners may, by written or printed notice to each of the stockholders, call a meeting of such stockhold- Organize.

ers at any designated place in Kentucky, and if a majority of said stock is not represented therein, those assembled may adjourn said meeting from day to day until said majority may be represented.

Elect officers.

§ 4. At said meeting they may elect the officers hereafter mentioned and transact other business, and the said stockholders shall be, and they are hereby, declared to be incorporated into a company by the name of the Plum Creek Mining Company ; and by that name shall be capable of purchasing, holding, leasing, selling and conveying real estate and personal property, so far as the same may be necessary, or deemed necessary by said company, to carry out the purpose of their incorporation ; and shall have perpetual succession, with power to sue and be sued ; to have and use a common seal, and to have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do, and which are granted herein.

Vote.

§ 5. That at such meeting a board of three directors shall be elected by a majority of the stock, each share being entitled to one vote, and may be voted by the stockholder in person or by written proxy, filed with the secretary ; said directors must be stockholders ; and the succession shall be continued by an annual election of a directory, to be held on the corresponding day of organization of each succeeding year. If, from any reason, an election is not held at the time mentioned, then the president, or one-third in value of the stockholders, may call a meeting by ten days written or printed notice to each stockholder, and called meetings may be held at any time in the same manner.

Officers.

§ 6. That the officers of said company shall consist of a president, secretary, treasurer and superintendent, to be elected by the directory each year immediately on its organization, and such other officers as may be necessary to be appointed by the president. The offices of president and superintendent, as well

as those of secretary and treasurer, may be held by one person; but the president and treasurer must be stockholders.

§ 7. That the said Plum Creek Mining Company ^{Rights and powers.} may obtain the right of way over any lands, by agreement, that may be necessary to construct a railway from their mines, in Muhlenberg county, to any railroad in said county; the route to be selected and determined, not exceeding sixty feet in width, with as many sets of tracks, sidings and switches as it shall deem necessary; and may enter upon, use and excavate any land that may be needed for said road; and may build bridges and construct tunnels; and may do all things lawful that may be necessary to carry out the objects and purposes of this incorporation. The said company is also hereby vested with the power and privilege of buying, leasing and holding mineral lands, and of carrying on a general mining business in coal, iron and other minerals.

§ 8. The said company is hereby authorized and ^{Bonds.} empowered, by a vote of two-thirds of its stock in value, to make and execute a first mortgage and such other mortgages as it may deem best, through its president and board of directors, and to issue bonds thereon upon its entire or any portion of its franchises and properties, and upon its mining lands, mineral rights, leases, privileges and property of all and every kind and description. The bonds of such denomination, maturing at such time, and bearing such rate of interest as its board may determine, who are hereby empowered to arrange and determine all the details of the placing, issue and sale of said mortgage and bonds.

§ 9. That before entering upon the discharge of their ^{Oaths.} duties, the president, directors and treasurer shall be sworn to faithfully and truly discharge the duties of their respective offices to the best of their ability and judgment, and the treasurer may be required by the directory to give bond in such sum as they may fix,

binding him to a faithful discharge of his duties, and a true and just account and return of all moneys and properties that may come into his hands, or that may be disbursed by him, or that he should in any way become or should be liable for. This bond, with good security, must be approved by the directory.

§ 10. That the private property of the stockholders of the corporation hereby founded shall be exempt from liability for the corporate debts or obligations of any and every description.

§ 11. That the amount of bonded or floating indebtedness shall not be enlarged, nor any sale, lease or consolidation effected, until after the same has been approved and authorized by a vote of two-thirds of all the stock; and for these, or any similar purposes, a stockholders' meeting may be convened at any time on ten days' written or printed notice, given by the president or by stockholders holding one-third of the stock.

§ 12. That this act shall take effect from and after its passage.

Approved April 25, 1888.

CHAPTER 1268.

AN ACT to amend and reduce into one the road laws of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In addition to the duties now imposed by law upon the board of commissioners of Greenup county, it shall be the duty of said board of commissioners, immediately after the taking effect of this act, to lay off said county (if not already done) into road districts, which they may alter or change at pleasure, and to appoint one road overseer for each district so laid off.

§ 2. It shall be the duty of the board of commissioners to keep in their office a book, in which they shall cause to be entered the names of all road overseers in the county, and the dates of their appointment, and the boundaries of all the road districts in the county. Said book shall be public property and delivered to their successors in office. It shall be the duty of the commissioners to furnish each overseer a notice of his appointment, which notice shall contain a copy of the boundaries of his road district in which he is appointed.

Duties of commissioners.

§ 3. Every male person residing in said county, over the age of twenty-one years and under the age of fifty years, shall, by himself or substitute, be compelled to furnish work on the public roads of the county two days in each year, furnishing suitable tools for the performance of the labor required.

§ 4. It shall be the duty of the overseer of each district to give each person liable to work on the public roads at least two days' notice of the time and place of working the roads in his district; or, if absent, by leaving a written notice at his residence with any member of his family over sixteen years of age. If such person, after having had said notice, have failed or refused to work out the time required by law, by himself or substitute, he shall forfeit and pay a penalty of one dollar and fifty cents for each day's work so delinquent, to be recovered by warrant, in the name of the Commonwealth of Kentucky, before the county judge or justices of the peace; and they may render judgment for same out of their regular term time upon due proof of the delinquency. The amount so recovered shall be collected as other fines and penalties are now collected by law; and when so collected shall be paid to the treasurer of the county, and constitute a part of the road fund of the county. *Capias pro fines* may issue from time to time on such judgments until the same are fully satisfied.

Duty of overseer.

Exemptions. § 5. The commissioners may exempt any person from all or any part of their road work for manifest disability, or other good cause shown, and give the person so exempted a certificate to that effect: *Provided*, The said exemptions shall not interfere with the collection of any road tax herein provided for. Any person claiming exemption on account of age must present to the overseer of his district his affidavit that he is over fifty or under twenty-one years of age, and the overseer is hereby authorized to administer the oath to the person claiming to be so exempt.

Notice. § 6. The several road overseers shall be required to give two days' service upon the public roads in labor and the management of the hands, and one additional day in giving notices; and for the additional day shall be paid one dollar, to be allowed by the board of commissioners at their quarterly meetings upon proof of same.

Width. § 7. The public roads may, when necessary, be kept open thirty feet wide, but in no case less than fifteen feet wide; and it shall be the duty of the commissioners and the overseers to see that the public roads are not encroached upon by the owners of lands by which the road is bound; they shall be kept free from incumbrance and encroachment to the full width of the survey, whether the same has been donated to or purchased by the county.

Penalties. § 8. Any person closing up a public road of the county to a less width than is provided for in this act, or willfully filling a ditch of a road, or tearing out a water-break, or tearing down a guide-board, or otherwise obstructing, encroaching upon, or damaging said roads in any manner, shall be liable to be prosecuted and fined in any sum not exceeding fifty dollars, recoverable before a justice of the peace. Any person required to perform duties under this act may be presented by the grand jury of the county, and on conviction fined, in the discretion of the jury, in any

sum not exceeding ten dollars for the overseer, and fifty dollars for other officers, for the willful neglect of the duties required of them by this act. The fines and penalties recovered under this act shall, when collected, be paid to the treasurer of the county, and constitute part of the road fund, and be paid out on the order of the commissioners in improving the roads.

§ 9. Should an obstruction occur by giving away of the road, washouts, slides or any other character, so as to obstruct the public travel, it shall be the duty of the commissioners to go upon the ground and select such ground or land as may be necessary for a road suitable and convenient to accommodate the traveling public, and, after having located the road, to estimate the damage and worth of the land so taken, and allow the land-owner for same, at their regular quarterly meetings; but should any property-holder deem himself aggrieved by the action of the commissioners, they may apply to the county court for a writ of *ad quod damnum* and a jury to assess the damage; but should the jury find no greater sum than that allowed by the commissioners, then said party so complaining shall pay the cost arising by reason of the writ.

§ 10. There shall be levied annually by the board of Tax. commissioners a tax of ten cents on each one hundred dollars' worth of property in the county, to be ascertained from the assessor's books of the county, and the same shall be placed on the tax duplicate by the clerk of the county court, at the time he makes out the tax-books for the sheriff, and placed in the hands of the sheriff of the county for collection, as other revenue is now collected by law; and when so collected, shall be accounted for and paid by the sheriff to the treasurer of the county as other revenues are now accounted for by law, and when so paid shall constitute part of the road fund, to be paid out on the order of the commissioners in improving the roads. The

sheriff shall receive, as compensation for collecting said tax, four per cent. of the amount collected ; and the bond executed by the sheriff for the collection of the county revenue shall be liable for any loss occasioned by the default of the sheriff. The tax provided for in this section shall be in addition to the tax levied under the acts of the General Assembly creating a board of commissioners for Greenup county, and approved April 22, 1882.

Suits.

§ 11. In all suits brought under this act, the attorney for the Commonwealth, if in the circuit court, and the county attorney, if in the county or justice' courts, shall *ex officio* prosecute the same ; and the clerk, sheriff and other officers shall charge no fees unless judgment be given against the defendant ; and the cost in the execution shall be for the use and benefit of the officer rendering the service and for witnesses having right thereto, and the officer collecting same shall pay it to the parties entitled thereto.

Publication.

§ 12. The commissioners shall cause a copy of this act to be printed in pamphlet form, and furnish each road overseer with a copy of same, which shall be held as other public property, and delivered to his successor in office. The publishing of the act shall be paid for out of the county revenue.

§ 13. Nothing in this act shall be deemed to abridge the duties of the commissioners concerning the public roads and bridges provided for in the act creating the board of commissioners for Greenup county, approved April 22, 1882 ; but the power and duties imposed upon them in said act in relation to the roads and bridges are in full force.

§ 14. That all former amendments to the road laws of Greenup county, and all general and local laws conflicting with this act, so far as the aforesaid county is concerned, be, and the same is hereby, repealed.

§ 15. This act to take effect from its passage, but shall not apply to or be operative within the corporate limits of the town of Greenup.

Approved April 25, 1888.

CHAPTER 1269.

AN ACT to incorporate the Carrollton and Prestonsville Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. A. Gullion, P. T. Baker, George Con-^{Incorporators.} way, E. T. Craig, Dan. Garriett, J. E. Geier, and such others as may be associated with them, shall be, and they are hereby, made a corporation and body-corporate and politic, under the name and style of the "Carrollton and Prestonsville Bridge Company;" and by that name shall have regular succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth, and have and possess all the powers incident to a corporation necessary to carry into effect the objects of this act.

§ 2. The capital stock of said company shall be ^{Capital stock.} sixty thousand dollars, divided into shares of fifty dollars each. The capital stock may be increased by the president and directors to such an amount as may be necessary to construct a bridge across Kentucky river, near the foot of High street, Carrollton, Kentucky, to a point opposite, in the town of Prestonsville, that the directors may determine to construct the same; which stock may be subscribed for at such times and places as any of said commissioners heretofore named may deem proper; and they are authorized to open books for subscription of stock, from time to time, as to them may seem proper. They shall procure one or more books, and the subscribers therein shall sign an obligation as follows: "We, whose names are hereunto subscribed, do respectfully promise to pay the Carrollton and Prestonsville Bridge Company the sum of fifty dollars for each share of stock set opposite our names, subject to the rules of the charter of said company."

§ 3. That as soon as the sum of twenty thousand ^{Organize.}

dollars is subscribed they shall give public notice, in a paper published in Carrollton, at least two weeks, calling a meeting of the stockholders at Carrollton at such time as they may appoint, for the election of a president and five directors ; and every stockholder shall have one vote for each share of stock he or they may own, and may vote in person or by proxy ; and that each year thereafter the stockholders shall meet at Carrollton on the first Monday in May and elect a president and five directors for the ensuing year ; and after the first election the same notice shall be given by the president and directors as is required in the first election.

Powers.

§ 4. The president and directors shall have power to make calls on the stockholders for such portions of the stock so subscribed, and collect it as they may from time to time deem necessary ; and they may let out to any undertakers or contractors the building and construction of said bridge, and shall have and possess full power to make contracts with any individual for stone, timber or materials of any kind necessary to be used in its construction, and to receive, by gift or purchase, any conveyance of lands on either side of the river for the abutment, toll-houses and necessary avenues leading to said bridge.

Toll.

§ 5. Upon the completion of said bridge the president and directors may appoint a toll collector, at such wages as may be agreed upon, to demand and receive of all persons passing over said bridge such tolls as they may deem proper : *Provided*, That such tolls shall in no case exceed the tolls allowed to be charged at the Kentucky river ferry between Carrollton and Prestonsville.

Dividends.

§ 6. The president and directors shall cause a dividend of the net profits arising from the tolls of said bridge to be made annually among the stockholders ; but no dividend shall be made to any stockholder who may be in arrears.

§ 7. The president and directors are hereby invested

with full power and authority to proceed to have a Condemn lands. sufficient quantity of land for the abutments, toll-houses and roads, and so forth, to said bridge, on either or both sides of said river, condemned for the use of said company; and for that purpose shall proceed in like manner as is now provided by law for condemning private property for public use under the road laws of this Commonwealth.

§ 8. That the president and directors shall have By-laws. power to make all needful by-laws and regulations necessary for the care and preservation of said bridge, and regulate the crossing of the same, and to fix a penalty on any person or persons violating said by-laws, which penalties may be recovered in any court of competent jurisdiction, and shall be applied to the use of said company.

§ 9. The private property of the stockholders shall Private property. not be subject to the debts of the company.

§ 10. The board of trustees for the town of Carroll- Town of Carroll-
ton take stock. ton are hereby authorized to take stock in this company not exceeding ten thousand dollars, and to issue and sell bonds for the payment of said stock. They may impose a tax, not exceeding twenty cents ad valorem, for the payment of said bonds and accrued interest; said tax to be imposed annually, and to be collected at the same time and by the same officers as the regular tax for said town.

§ 11. No stock shall be taken by said town trustees Vote. until the question has been submitted to the voters of said town at some regular or special election, of which at least ten days' notice shall be given by the board of trustees. The notice shall specify the number of shares of stock proposed to be taken, and the mode of payment of said stock. If at said election a majority of votes cast shall favor the taking of stock, it shall then be the duty of said board of trustees to take the stock so voted for and provide for its payment.

§ 12. That the Carroll county court, a majority of County may take
stock. the justices in commission concurring therein, may

take stock in said company not exceeding twenty thousand dollars, and may issue and sell bonds for the purpose of paying for said stock ; and may impose an annual tax, not exceeding twenty cents ad valorem, to raise money to pay off said bonds ; said tax shall be collected at the same time and by the same officer as the regular county tax.

§ 13. That all former acts on this subject be, and the same are hereby, repealed.

§ 14. That this act shall take effect from and after its passage.

Approved April 25, 1888.

CHAPTER 1270.

AN ACT to amend an act, entitled "An act to incorporate the People's Homestead and Saving Association," approved April 10, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the People's Homestead and Saving Association," approved April 10, 1888, be amended by striking out all after the words "advanced member," in section seven, commencing with the words "and provided," to the end of said section ; also strike out the word "seventy-five," in section seventeen, and insert in lieu thereof the word "fifty."

§ 2. This act shall take effect from its passage.

Approved April 26, 1888.

CHAPTER 1273.

AN ACT to establish a system of public graded schools in the city of Somerset, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of common school district ^{Boundary.} No. 1, which embraces the city of Somerset and its suburbs, in Pulaski county, shall be as follows: Beginning at the forks of the Mt. Vernon and London roads; thence to Davis Young's, included; thence to John Frazure's, not included; thence to the first mile-post on the Stanford road; thence to the railroad crossing on the upper Fishing creek road; thence to the Moses Singleton house, not included; thence to Quarles Eastham's, included; thence to C. B. Loves', not included; thence to the Dunn Bogle place, not included; thence to widow Silas M. Hails', included; thence to the residence of the late Andrew Gibson, not included; thence with the ridge south of Somerset to the R. Gibson farm, included; thence to James Frazure place, included; thence to the beginning; the necessary school buildings to be located as nearly as practicable in the center of said district. The public ^{Control.} school affairs of white children of pupil age, residing within the limits of said district, shall hereafter be under the control and management of five trustees, to be elected by the qualified white voters of said school district; and any white widow or spinster owning land residing therein, who is a tax-payer therein, or who has a child or children to be educated, within the ages of six and twenty years, shall be deemed a qualified voter under this act.

§ 2. That the trustees so elected shall constitute and ^{Trustees.} be styled the "Board of Education of Somerset Public Graded Schools;" and by that name be a body-corporate, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift,

devise or otherwise, any real or personal property, for public school purposes; sell and convey the same, and the title of such property acquired by said board of trustees shall vest in them and their successors in office forever.

§ 3. That said five trustees shall be elected at the court-house in Somerset on the first Saturday in June, 1888, to be held by the county superintendent of Pulaski county, or some person appointed by him, between the hours of six o'clock in the forenoon and six o'clock in the afternoon. Printed notices of the time, place and object of said election shall be posted by said superintendent in three or more conspicuous places in said district for at least ten days prior to the day of said election.

§ 4. That said trustees shall hold their offices for two years from their election, and until their successors are duly qualified; and an election shall be held every two years after the first election on the first Saturday in June, between the hours aforesaid. Each board of trustees so elected shall select from their number a chairman, who shall preside over their deliberations, and give the casting vote in case of a tie. After the first election, the board of trustees shall appoint the officers, and designate the place of holding all subsequent elections; but in case they fail or refuse to discharge said duty until less than ten days before the holding of said elections, the said county superintendent shall make such appointments, and designate the place for holding such election. The officers of said election shall consist of two judges, a clerk and sheriff, whose duties shall be similar to those of like officers under the general election laws of the State.

§ 5. That said trustees, before entering upon the discharge of their duties, shall take an oath, before some officer authorized by law to administer oaths, faithfully, honestly and impartially to discharge the

duties required of them under this act and the laws of the Commonwealth regulating public schools.

§ 6. No person shall be eligible to the office of trustee under this act unless he has been a continuous bona fide resident of said district for one year next preceding his election, and is a qualified voter, as provided in section 1 of this act. A majority of said trustees shall constitute a quorum to transact business; and they shall have power to fill vacancies in their board until the next regular election; to appoint a secretary, treasurer, assessor and collector, and to require and take bonds, with approved security, from the same, for the faithful discharge by them of their duties; to make all by-laws, rules and regulations, for the government of themselves, their appointees, agents and teachers appointed by them, and for the management, control and government of the public schools for white pupils in said district, and for the protection and preservation of the property of said school corporation. They shall cause to be kept a journal of all their official acts and proceedings, which shall be open at all times to the inspection of any citizen interested in said schools.

§ 7. That said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and regulate their salaries and compensation; and may suspend or dismiss any teacher or other appointee whenever they, in their discretion, deem it for the best interests of said schools to do so; but no teacher shall be employed in any public school for white pupils in said district by said board of trustees who has not received a certificate of qualification from the county board of examiners of said county for examining teachers for common schools. They shall grade said school or schools, and prescribe the branches of education to be taught in said schools and classes, and the necessary qualifications for, and mode of examination of, pupils or persons applying for ad-

mission into the different grades of said school ; and also for the punishment, by expulsion or otherwise, of all pupils or other persons for a violation of the rules of government of said schools.

Who may attend § 8. That all the white children over six and under twenty years of age, residing within the limits of said district, shall have equal right of admission to the public school or schools instituted by said board of trustees therein ; but said board of trustees shall have power to require such pupils to attend the grade or school to which they may be respectively assigned under the rules made for the government of said public schools. But it is expressly enacted that the school or schools provided for by this act shall be exclusively for white children of pupil age in said district.

Powers and rights. § 9. That said board of trustees shall have the powers and rights, in addition to those expressly granted herein, and not inconsistent therewith, which pertain to trustees of common schools under the common school laws of the State. They shall make all enumerations and census reports or returns as may be required by law to the county superintendent of said county ; and shall have the right to receive and appropriate to the white public school or schools in said district the fund due or to become due from the State, under the common school law, to the white pupils of said district ; and it shall be the duty of said county superintendent to pay the same to the treasurer of said board of trustees, on its orders, to be by him disbursed to the teachers of said public school or schools as required by law. Said board of trustees shall have power to regulate and determine the length of terms and sessions of said schools, and for what length of time such schools shall be taught in each year ; no term, however, to be less than five months ; which year shall be held to begin on the first Monday in September.

§ 10. That said board of trustees shall also regulate

the terms and conditions on which other white pupils, besides children of pupil age, residing in said district, or who are over age, in or out of said district, may become pupils in said schools; and all sums received for tuition from such pupils so admitted shall constitute a part of the school fund of said district, for the benefit of said school or schools instituted therein for white pupils.

§ 11. That said trustees, at the end of each school year, shall cause to be made out and published, in some newspaper of said city, if there be any, a report showing the condition and amount of property or funds belonging to said corporation, the amount and source of school funds received and disbursed for the year, and such other information regarding the said schools as they may deem necessary to publish for the advancement of public education.

§ 12. That no catechism, or other form of religious or Catechism. political belief, shall be taught or circulated in, nor shall any class-book be used or adopted for, said schools which shall reflect upon any religious denomination; nor shall any class or schools be so conducted as to interfere with the religious belief of parents or pupils.

§ 13. That said board of trustees shall have power Tax. to assess, levy and collect an annual tax upon the fair market value of all the real and personal property owned by all white persons situated in or embraced by said district, including money and choses in action, owned by white persons residing therein, taxable under the equalization laws of the State, of not exceeding fifty cents upon each one hundred dollars' worth of said money, property, and choses in action so assessed, and a capitation tax, of not exceeding two dollars, upon each qualified white voter in said district, as defined by the first section of this act; and shall have the power to issue and sell the bonds of said common school district corporation for

such amount, not exceeding twelve thousand five hundred dollars, to run such length of time, and bear such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as they may determine. That said ad valorem and capitation tax, and the fund realized from the sale of said bonds (which shall not be sold for less than par), shall be used only for the purpose of purchasing school grounds and buildings, or erecting the same, which shall be located as near as may be at a central point within said district, and providing suitable furniture, teachers, paying the other necessary costs and expenses of conducting and carrying said public schools, including the interest on the bonded debt of said district, if any, as well as the costs of having said tax assessed and collected; and said extra school fund so raised by such local taxation and sale of bonds shall be used and expended in said district under the orders and directions of said board of trustees, by its treasurer, for the purposes aforesaid, in such manner and in such proportions as they shall, in their discretion, deem necessary and proper to promote the welfare and prosperity of said public school or schools for the education of white pupils.

Assessor.

§ 14. That the assessor appointed by said board of trustees to assess the property, money, and choses in action of said district, as provided by the last preceding section, shall receive a compensation not exceeding eight cents for each list; and in making said assessment shall have the same powers and duties, and be under the same responsibilities as county assessors under the general laws; and he shall make said assessment, and make return thereof to said board of trustees, at such time as they may direct. After the return of said assessment, the board of trustees shall give ten days' notice, published by some newspaper of said city, if there be one, or if not, by printed notices posted in three or more conspicuous places in said district, of the fact that said assessment has been

returned, and giving the tax-payers three days, after the expiration of said notice, in which to appear before said board of trustees, who shall, during that period, sit as a board of supervisors, and have power to correct by increasing or decreasing any list on said assessment; but no increase shall be made till after actual notice to the tax-payer interested, or if a non-resident, to his agent, if any in the county, and a reasonable opportunity to be heard be given; and the action of said board of supervisors shall be final. The collector appointed by said board of trustees, Collector. in the collection of said local school tax, shall have the same powers and be under the same responsibilities as sheriffs in the collection of the State revenue. He shall have the same power to sell property for taxes as sheriffs now have in like cases, and for his compensation for collecting said ad valorem and capitation tax he shall be paid out of the funds so raised a commission of not exceeding six per cent. That said collector shall, within three months after said lists are placed in his hands, pay to the treasurer of said corporation one-half of said taxes, and the other one-half of said taxes to the treasurer within six months from the date of receiving such list, subject, however, to the law relating to delinquent tax-payers for State revenue purposes and county levy. The said collector, with his surety, shall be liable on his bond to said board of trustees for all moneys so collected.

§ 15. That said collector shall, after the year 1888 (the taxes of this year to be collected by said collector as may be determined by said board of trustees), on or before the first day of June in each year, present to said board of trustees his list of insolvent and delinquent tax-payers, being governed by the same rules and regulation that apply to sheriffs in presenting similar lists to the county court. Said board of trustees shall pass upon such list; and the said collector shall be entitled to credit in his

settlement with said board of trustees for the amount so returned by him and allowed by said board as delinquents.

§ 16. That the trustees of common school district No. 83 are hereby authorized and empowered to sell and convey, either by public sale or otherwise, all property, both real and personal, belonging to said district as at present constituted; the purchase money resulting from the sale of same to be over to the treasurer of the Somerset public graded schools herein established.

Taxes now collected.

§ 17. That all taxes now collected, or to be collected under a levy heretofore made by the trustees of common school districts Nos. 1 and 87, for the purpose of building school-houses in said districts, shall be paid over by the county superintendent to the treasurer of Somerset public graded schools, to be applied by said board of trustees in the erection of suitable building or buildings as required under this act.

§ 18. That this act shall take effect from and after its passage: *Provided, however,* That it shall not interfere with the public schools as now constituted in districts Nos. 1, 83, 87, and 129 for the year ending June 30, 1889.

Approved April 26, 1888.

CHAPTER 1274.

AN ACT to authorize the county commissioners of Kenton county to subscribe for stock in turnpike road companies; to construct, purchase and repair turnpike roads, and to provide means of payment therefor; and to establish a system of free turnpike roads in Kenton county.

Preamble.

WHEREAS, The people of Kenton county desire to construct, complete and repair turnpike roads; to establish and conduct a system of free turnpike roads, and to abolish all tolls and toll-gates; to purchase roads already built in which the county owns no

stock and now collecting tolls, as speedily as public and private interest will admit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, as long as toll-gates are kept ^{Subscribe stock.} and tolls collected on any turnpike road in Kenton county, it shall be lawful, and the board of commissioners established by law for Kenton county are hereby authorized and empowered, a majority of said commissioners concurring, to subscribe for any amount of stock in any turnpike road to be constructed, and those already constructed and not collecting tolls; and said commissioners may subscribe for stock to put same in proper repair: *Provided, however,* That the construction of no new road, shall have a greater subscription than fourteen hundred dollars (\$1,400) to any one mile constructed. The repairs of any turnpike road shall be done under the supervision of a discreet person, appointed by said board of commissioners, at the lowest and best bid, after being duly advertised for bids: *Provided,* That all such subscription shall be made for and in behalf of said county: *And provided,* That said subscription shall not exceed twenty-five thousand dollars in the aggregate in any one year: *Further provided,* No road constructed under this act shall receive the full amount of the said fourteen hundred dollars per mile, unless it be twenty-two and one-half feet wide grade, and twelve feet wide macadamized, consisting of two layers of best limestone, twelve inches in the center, tapering to nine inches on the edge, two-thirds the layer being sledged to five inches in size; the upper third broken or knapped to two inches in size. Any turnpike road constructed in less proportion than the foregoing, the said county subscription shall be less in accordance: *Provided,* That such subscription shall not be made until said board of commissioners are

satisfied that an amount of stock sufficient, with the aid of such county subscription, to complete each mile of road to which such county subscriptions apply, has been taken by private subscription or otherwise.

§ 2. To facilitate the building of any proposed road, if a sufficient amount of stock has not been subscribed with the aid of said county subscription, when three or more real estate owners, subject to the effect of this clause of this act, shall make application to the judge of the county court, he shall make an order requiring an election, governed by laws for State and county elections, held at some convenient point to the proposed road, permitting the real estate owners to take the sense of such persons as are hereinafter designated as interested therein, whether they will levy a special tax on all their real and personal estate to the amount of such a sum as will, together with the county subscription, construct said turnpike road; and a vote being taken, and a majority so voting vote to levy such a tax, the same shall be duly certified by the officers of said election to the county court, and by it to the board of commissioners, who shall order a levy of the tax on all real property of the person or persons entitled to have voted, and real estate, property of non-residents, within the limits subject to taxation. The valuation fixed by the county assessor for State and county revenue shall be the valuation on which said tax shall be levied, and shall be levied in this ratio, viz:

1. All real estate of persons abutting on the road proposed to be built shall be taxed the greatest amount.

2. All real estate in rear of that abutting within a half mile of said road, and having a public or legal outlet, one-half the amount of the sum assessed on that abutting.

3. All real estate within one mile, with like privileges of the foregoing clause, pay one-fourth the

sum of that abutting; and should any of the real estate in any of the two last clauses be more convenient to a counter road built, or being built, and being of greater utility to said real estate, the said board of commissioners, after being satisfied of the fact, shall exonerate the assessed; and their vote, if having voted, shall not be counted in computing the votes in said election. The fund thus procured shall be paid to the county treasurer, if he be the treasurer of the board of commissioners, and by him disbursed for the purpose or purposes levied. The expense of such an election shall be paid out of the funds of the tax collected. If the majority shall vote against the said levy of said tax, then the expense shall be paid out of the county levy. The sheriff and other collecting officers shall receive the same remuneration for collecting this tax as State revenue: *Provided further*, That all roads in which the county has subscribed in the capital stock for building same shall collect no tolls, and shall be made free to the travel of all persons whenever the said board of commissioners shall so order, but not until after all private or assessed stock, other than the stock owned by the county, shall be donated to the purpose of, or purchased for, the making the road or roads free: *Provided, however*, The said board of commissioners shall make provision for the maintenance and proper repair, in good order, of all of said roads which they shall order the collections of tolls abolished. Said board of commissioners, and their successors, are authorized and empowered to issue and deliver the bonds of said county in payment for all or any of such stock contemplated in this act, payable at any national bank in the city of Covington, Kentucky, in sums not less than one hundred nor more than one thousand dollars, bearing any rate of interest not exceeding six (6) per cent., payable semi-annually, principal of said bonds payable any time after five years from the date thereof,

and not to exceed thirty years, having coupons attached thereto for the payment of the interest semi-annually on the first days of January and July of each year until paid. The bonds, when issued, shall be signed by a majority of the elected and qualified board of county commissioners, attested by the county court clerk, indorsed by the presiding judge of the county court, and having the seal of the county attached; the coupons signed by a majority of the board of commissioners, and attested by the county court clerk. The proceeds thus obtained shall be paid out by the county treasurer, if he be the treasurer of said board, for the objects designated by said board of commissioners for stock designated in this act, and all such stock shall be held as the property of said county. The board of commissioners, and their successors in office, are hereby authorized and empowered to provide, from time to time, for the payment of all such turnpike bonds and coupons as may be issued under this act, by annually levying an ad valorem tax of not more than twenty-five cents on each one hundred dollars' worth of all real and personal property in Kenton county outside of the city of Covington, and apply the taxes so levied to the payment and redemption of all such bonds and coupons; and the sheriff and collecting officers in said county are directed to collect and pay over all such taxes under their official bonds, and under like penalties, and for like compensation allowed by law for collecting and paying over the State revenues.

§ 3. All taxes collected under this act shall constitute a sinking fund in the hands of said board of commissioners for turnpike purposes; and whenever said board shall have on hand of such funds as much as ten thousand dollars not already pledged to the construction or completion of some turnpike road, it shall be the duty of said board to inaugurate the system of free turnpike roads in said county, by apply-

ing such funds in their hands to the purchase of all the stock in all the turnpike companies operating roads in said county, which purchases of stock shall be made at the lowest price at which said stock can be bought; and this process of purchasing such turnpike stock shall be continued from time to time, and from year to year, until practically all of such stock shall have been purchased in for said county by said commissioners; said commissioners using due diligence and discretion in the purchase of same, and shall not pay exorbitant prices for such stock; and when Kenton county, in this way, shall have become the lawful owner and holder of all the stock in all such turnpike companies in said county, it shall be the duty of said board of commissioners to burn and destroy all turnpike stock so purchased and held, including all turnpike stock now owned, or which may be hereafter owned by Kenton county in all such turnpike companies, which burning of the stock shall take place in the presence of the board of commissioners and the clerk of the county court. The said clerk shall enter an order in the order-book of said board of commissioners, containing a complete list of all the stock so burned, and certify to the fact that the stock was canceled and burned as herein directed; and from that day forward it shall be unlawful to keep or maintain any toll-gate or collect any toll on any turnpike road in Kenton county; and any person so doing shall be fined one hundred dollars for each offense, recoverable for the benefit of said board of commissioners for turnpike purposes by warrant in the name of the Commonwealth of Kentucky; the warrant to be issued and tried before the county judge of Kenton county.

§ 4. Whatever funds remain in the hands of said board of commissioners after purchasing said turnpike stocks, and after making suitable provisions for the payment of the bonds and coupons previously issued and delivered, shall be held and used by said board

in keeping all the turnpike roads in the county in safe condition and proper repair ; and to enable said board to do so, they are authorized to elect or appoint a superintendent of turnpike roads for Kenton county, and it shall be the duty of such superintendent to employ his entire time in seeing that all the turnpike roads in the said county are constantly kept in safe condition and proper repair and suited for public travel. The superintendent shall receive an annual salary of not exceeding twelve hundred dollars, but payable monthly, and shall hold his office for four years. He shall be all the time subject to censure, suspension or removal by said board of commissioners for any failure to discharge faithfully the duties of his position. The board may also appoint a secretary, who may be the county clerk, and pay him, in like manner, a salary not exceeding three hundred dollars per annum, payable monthly, who shall keep a complete record of all the proceedings of said board under this act.

§ 5. As said board will need funds from year to year to keep all said turnpike roads in proper repair, as well as to construct new roads in and through such parts of the county as they may, from time to time, deem the interest of the county may require, which they or their successors are fully authorized to do, said board and their successors are authorized and empowered, after all bonds and coupons embraced in the previous sections of this act are either paid off or provided for, to assess, levy and cause to be collected in like manner the following taxes, annually, on all real and personal property subject to general taxation outside of the limits of the city of Covington, to be equally applied and used in keeping all the turnpike roads in proper repair, viz: 1. On all property situated less than one mile from any turnpike, a tax not exceeding twenty-five cents on the one hundred dollars. 2. On all property situate one mile and less than two miles, a tax not exceeding twenty cents on the one

hundred dollars' worth. 3. On all property situated two miles and less than three miles from any turnpike road, a tax not exceeding fifteen cents on the one hundred dollars' worth. 4. On all property situated more than three and less than five miles from any turnpike road, a tax not exceeding ten cents on the one hundred dollars' worth. 5. On all property situated exceeding five miles from any turnpike road, and being situated in Kenton county, a tax of five cents on each one hundred dollars' worth thereof. The ratio and assessment to be fixed and determined by said board. And to enable them to fix the rate justly, so that all taxation under this act may be equal, they are authorized to hold sittings and hear proof of all distances and all values contemplated in this entire act. And it is hereby declared that all assessments made and all taxes levied according to the foregoing provisions of this act are equal and uniform and in just proportion to the obligations resting on, and the benefits to be bestowed upon, the parties who will be required to pay the taxes. But no piece of property, no matter where located, shall be assessed for taxation more than once in any year, although it may be situated near more than one turnpike road; and in estimating the distance from a turnpike road, so as to fix the rate of taxation, the distance shall be taken from that road on or near which the greater part of the property is situated.

§ 6. Should the taxes provided for in the fifth section of this act prove insufficient to keep all the turnpike roads in good and proper repair, said board of commissioners, or their successors, are authorized and empowered at any time to issue similar bonds of Kenton county, with coupons, payable at said bank within thirty years from their date, in denominations not exceeding one hundred dollars each, payable thirty years after date with six per cent. interest, payable annually, and sell them for not less than par, and apply the proceeds to keeping said turnpike roads in proper repair;

and are likewise authorized and empowered to levy an annual tax upon all the property in Kenton county subject to taxation for revenue purposes, not exceeding twenty-five cents on the one hundred dollars' worth of property situated outside the limits of the city of Covington, to be collected by the sheriff and collecting officers in like manner and under similar responsibilities and for like compensation, and applied to the keeping of all of said turnpike roads in proper and equal repair, and for the redemption and payment of all such bonds.

§ 7. All bonds issued under this act shall be signed by a majority of the board of commissioners and countersigned by the county judge of Kenton county, attested by the county clerk, with county seal attached; coupons shall be signed by a majority of the commissioners and attested by the clerk of the county court; and all bonds issued under and by virtue of this act shall be so printed as to contain the entire first section of this act. When the bonds are properly signed, and before they are delivered, each one of them shall be listed and registered by the county clerk in a special book to be kept for that purpose, to be known as the county bond book; and the registry shall contain an attested copy of this act, and also show the names of all the officers signing and attesting the bonds, and to whom delivered. And it shall be the duty of said board to make an itemized report of all issues and sales of bonds, and disbursements of the proceeds under this act, at least once every year, which report shall be made to the judge of the county court by the clerk of the county court for the board of commissioners, and recorded in said county bond book and preserved for reference; and certified copies of such reports and settlements shall be lawful evidence of all matters to which they relate in all courts of competent jurisdiction. The settlement shall show what has been done with the funds. The clerk of the county court shall receive the same pay for his services under this act

as now allowed by law for similar services in certifying other records, and making and recording settlements of the estates of deceased persons.

§ 8. In all cases where any particular repairs on any of said turnpike roads, after the tolls are abolished, shall amount to more than fifty dollars at any one point on the road, the work shall be let out to the lowest and best bidder, and neither of the commissioners, nor the superintendent, nor any county officer, shall be a bidder for any such work, either directly or indirectly.

§ 9. Any person aggrieved by an assessment of his property under this act, may appeal from the board of commissioners to the county judge, and the judgment thereon by said judge shall be final. No further appeal shall be allowed.

§ 10. Whenever said board of commissioners shall determine that the interest of the people in any part of the county require the construction of a new turnpike road in any part of Kenton county, said commissioners may make the charter in the county court, and give the road such name as they please; and in such name, for the use of Kenton county, in cases where the owners of lands will not donate the right of way for such turnpike road, have a writ of *ad quod damnum* issued, and proceed as any other litigant or company to condemn the land over which the road is to go, and use the funds herein provided in paying for such right of way.

§ 11. That the first ten sections of this act shall be submitted to the legally qualified voters of Kenton county, outside of the city of Covington, at the regular August election to be held in said county on the first Monday in August, 1888; said election shall be advertised by the sheriff of said county as other elections are by law required to be advertised; and the clerks of said election shall propound to each voter offering to vote the question: "Do you vote in favor of the turnpike bill which is now submitted, or against it?"

and his vote shall be recorded "yes," or "no," as indicated by his response. The poll-books of said election shall be returned by the sheriffs of the election to the office of the county court clerk within three days after said election; and on the fourth day after said election the sheriff, county judge, and county clerk shall meet at the office of the county clerk and examine said vote, and certify the result of their examination to the county court of said county at the next regular term thereof thereafter. Said certificate shall be recorded by the clerk of said court; and if it appear from said certificate that a greater number of persons voting at said election in Kenton county, outside of the city of Covington, voted "yes," than those who voted "no," then, and not otherwise, the first ten (10) sections of this act shall be in force from and after the filing of said certificate.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed; and sections eleven (11) and twelve (12) of this act shall be in force from the passage of this act.

Approved April 26, 1888.

CHAPTER 1275.

AN ACT for the benefit of the lot-owners and residents of New Broadway street, in the eastern portion of the city of Louisville.

Construct and
operate double
track railroad.

WHEREAS, It is represented and shown to the present General Assembly that New Broadway street, in the city of Louisville, has a carriage way between curbs less than thirty-three feet wide, and it is proposed, under alleged authority from the city of Louisville, to construct and operate a double-track street railroad over and along said street over the protests of the residents on said street, in such a way as to leave only nine and one-half feet between the outer rails

and the curbs of said street, which would leave insufficient room for vehicles to safely pass or stand between the curbstone and passing street cars, greatly to the inconvenience and injury of abutting lot-owners, many of whom have erected large and expensive houses upon said street; therefore, for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no line of street railroad track, single or double, shall ever be constructed or operated on or along said New Broadway street; except that, with the consent of the majority by front feet of the owners of the property fronting or binding thereon, the Central Passenger Railroad Company may construct and operate its tracks thereon under the privilege heretofore obtained from the general council of Louisville, and which is hereby confirmed to said company. All laws, ordinances and resolutions in conflict or inconsistent with this act are hereby repealed, and this act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1276.

AN ACT to amend an act to incorporate the Columbus and Tennessee River Railroad Company, approved April 8th, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act to incorporate the Columbus and Tennessee Railway Company, approved April 8, 1880, be, and the same is hereby, amended by inserting after the words "may deem proper," in the last line of said section, the following: "The franchises, rights and privileges of said railway company, as embodied in the act creating said company,

Amending original act.

shall in no manner be made non-effective or set aside by reason of the death of the secretary and treasurer, and the failure of said railway company to hold its last annual election at the time specified in the by-laws of said company; but that the acts of the present board of directory, elected by the stockholders at their last regular meeting, shall have full force and effect until their successors are elected and qualified; and they may cause to be entered in the record of their proceedings whatever of the transactions of said company are not recorded by reason of the death of L. P. Spaulding, secretary, and J. M. Morton, treasurer of said railway company."

Amend section 6 of original act. § 2. That section six of said original act of incorporation be amended as follows: That after the words "successors in office," in the last line of said section, insert, "And when authorized so to do by a vote of two-thirds of the stock represented at any general or called meeting of the stockholders, and amounting to not less than half the entire stock of the company, at least ten days' notice of the holding of such meeting, and the purpose thereof, being given, said railway company may borrow money and issue the bonds of said company, bearing interest at a rate not to exceed six per cent. per annum, which bonds shall be executed by the officers of said company, and may be made payable at such times and places as they may elect, and to secure the payment of such bonds and interest."

Amend section 8 of original act. § 3. That section eight of said original charter be amended by striking out all after the word "select," in the sixth line of said section, and insert, "Thence through Hickman, Graves and Calloway counties, in south-western Kentucky; thence eastwardly across the Cumberland and Tennessee rivers to a point meeting the coal roads across Cumberland river; and said railroad company shall have the right to erect bridges for its road or branches: *Provided*, That same shall not interfere with navigation."

§ 4. That all of section thirteen of said original charter be stricken out, and the following substituted therefor: Upon the petition of forty citizens and tax-payers of any county through which said road may run, the county judge and a majority of the magistrates of said county may, in their discretion, call an election, at which the question for or against the railroad tax shall be voted for; but said election shall not be held until said railroad company, or some one for them, shall deposit with the county judge a sum of money sufficient to pay the expense of such election, ^{Expenses of election.} and for which purpose same shall be used; but said election shall not be held until a written or printed notice shall be distributed in conspicuous places, at least twenty in number, in said county, for at least ten days before such election; and should said county elect to levy said tax, bonds shall be issued in compliance with the agreement of said court and railroad company; nor in any event shall said bonds be issued ^{Bonds not issued until completion of road.} and delivered until said railroad shall have been completed through said county and in good running order. Said railroad shall have been commenced within two years from the date that this act goes into effect, and at least ten miles each year thereafter be completed, until the road shall have reached the Tennessee river.

§ 5. That cities and towns may call elections for the purpose of taking stock in said road, by petition of ten or more citizens and tax-payers of said city or town, when the presiding officers of same may, in their discretion, order such election, upon said railroad company depositing with him for such purpose sufficient money to pay expense of such election; but no such bonds shall be issued until said railroad is completed, and its trains running through said city or town. ^{Call election for taking of stock.}

§ 6. This act to be in force from its passage.

[Became a law without approval of Governor April 27, 1888.]

CHAPTER 1277.

AN ACT to incorporate the Breathitt County Coal Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That J. W. Cardwell, T. Y. Fitzpatrick, Samuel South, E. E. Hume, W. T. B. South and S. Trimble, and their associates and successors, are hereby created and constituted a body-politic and corporate, by the name and style of the Breathitt County Coal Mining and Manufacturing Company, and by that name they, and their associates and successors, shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, by deed or other writings ; to have a common seal, and to alter the same at pleasure ; to engage in mining, drifting, shafting, drilling and boring for coal, iron ore and other minerals, petroleum, oil, natural gas, salt water, and other mineral products or substances ; to take out, extract, develop, smelt and refine, reduce, manufacture, purchase and prepare for market, and sell any and all of said mineral products ; to conduct, manufacture in wood, iron and steel, transport or send to market the products of their business in any of the foregoing departments, and sell them in and out of the State ; to buy, erect or conduct all saw-mills, forges, furnaces, coke-ovens, refineries, work-shops, mills, mines, and all machinery and fixtures deemed necessary or proper in carrying on said business ; may buy and sell timber, or manufacture the same into lumber, staves, barrels, or any other article or thing ; and build, or cause to be built, any railroads, pipe lines, tram-roads or other roads to the Kentucky Union Railroad, its branches in operation, or any other railroad that may be hereafter constructed in the counties of Breathitt, Lee and Perry, in the State of Kentucky ; and to have all

Object of incorporation.

Connect with other lines.

power necessary for the successful mining, producing and transporting of said mineral substances, oil, gas, timber, lumber, and the prosecution specially and generally of such business; and for the execution and carrying into effect of all the powers herein granted.

§ 2. The said company shall have the power to ac- Real estate.
quire and hold such real estate by lease, fee-simple title or otherwise, as it may deem necessary or expedient for its business, and sell and convey the same; it shall have the power to locate, construct, operate and equip a railroad or branch railroads, a pipe line or pipe lines, tram-roads, plank roads, or any other road to or from any of the mines, works, coal, minerals, oil, gas, timber lands, to said railroad or railroads and their branches; and may build bridges when and wherever necessary, provided same shall not interfere with navigation, and may and shall acquire for said road or roads, pipe line or pipe lines, and bridge or bridges, the land, timber and rock necessary for the location and construction of the same, by agreement with the owners thereof, or in default of such agreement, then the president and directors shall proceed as provided in the General Statutes, chapter eighteen, an act of the General Assembly of the Commonwealth of Kentucky, also chapter ninety-four, section forty-four to fifty, inclusive: *Provided, however,* That the power to construct railroads shall be limited to such roads as are necessary for the use of said company in transacting and carrying on the other business for which powers are herein granted.

§ 3. Any and all persons shall have the right to Transport coal and iron, etc.
transport coal, iron ore, or any other mineral, oil, timber and lumber, over said road or roads, pipe line or pipe lines, bridge or bridges, when completed, and it shall be the duty of said company to receive and transport the same, and for this it shall not charge for coal or other articles transported higher rates than are charged for similar services by other roads similarly situated.

Capital stock. § 4. The capital stock of said company may be any amount not exceeding one million dollars, to be divided into shares of one hundred dollars each, and indorsed and transferred as may be prescribed by the by-laws of said company. Books may be opened for the subscription of stock by any of the incorporators; but no subscription shall be entered on the books of the company without the consent of a majority of the incorporators.

Call meeting. § 5. When twenty thousand dollars shall have been subscribed the incorporators may call a meeting of the subscribers, notifying each subscriber of the time and place of meeting, and proceed to organize said company by electing from the subscribers a board of directors, not less than five nor more than nine in number. The board of directors shall have power to adopt such by-laws for the government of the company, its officers, agents and employes in the general conduct and management of the affairs and business of the company, as may be deemed needful and proper.

Directors provide by-laws. § 6. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. The directors shall severally hold their offices for two years, and until their successors are elected and qualified, by and with the consent of a majority of the stockholders. The board of directors may fill any vacancy occasioned by death or otherwise in their number. It shall require a majority of the directors to constitute a quorum of the board of directors for the transaction of business; at the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be

Fill vacancy.

made in the by-laws for annual meetings of the stockholders, and such call meetings as may be deemed necessary.

§ 7. The board of directors shall have the management and control of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, and remove the same, prescribe their duties and compensation, and exercise all the power hereby granted to the corporation. Appoint officers.

§ 8. The board of directors may borrow or obtain, by law, such sums of money as may be necessary or that the business may require, on such terms as they may deem expedient, the same being not inconsistent with the laws of this State or the United States of America, and may bond or mortgage any or all the property of the company to secure its payment: *Provided always*, That two-thirds of the directors agree thereto. Borrow money.

§ 9. The private property of the stockholders shall not be liable for the debts or liabilities of the corporation. Private property of stockholders.

§ 10. The principal office of said company shall be at Jackson, Breathitt county, Kentucky, and it may be changed or removed when deemed expedient, and the company may have branch offices at such places in Kentucky as may be deemed necessary. Principal office.

§ 11. When twenty thousand dollars shall have been subscribed, and such portion paid up as the directors may require, the company shall be deemed fully organized and may proceed with its business. Proceed with business.

§ 12. This act takes effect from its passage.

[Became a law without approval of Governor April 27, 1888.]

CHAPTER 1278.

AN ACT to repeal an act, entitled "An act to incorporate the Metropolis and Kentucky Bridge Company," approved March 15, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Metropolis and Kentucky Bridge Company," approved March 15, 1869, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved April 27, 1888.

CHAPTER 1279.

AN ACT changing the corporate limits of the town of Mayslick, Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate limits of the town of Mayslick, Mason county, Kentucky, be, and are hereby, so changed on the west side of said town as to exclude from the corporate lines the following described parcel of land : Beginning in the center of Mayslick and Sardis Turnpike Road, where the present corporate line crosses said road, and running east with center of said turnpike road to the intersection with Conway street ; thence with center of Conway street to its terminus at the lands of Mrs. Dougherty ; thence with Mrs. Dougherty's line west to the original line ; thence with the original line to the beginning.

§ 2. This act shall take effect and be in force from its passage.

Approved April 27, 1888.

CHAPTER 1280.

AN ACT to incorporate The First German Mutual Aid Society of West Covington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter Freymuth, C. Wegman, Christ. Names of incorporators and corporate powers Schwindt, Martin Hocker and August Miller, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The First German Mutual Aid Society of West Covington, Kentucky;" and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to ordain and put into execution such constitution, by-laws, rules and regulations, for the government of said association, and the prudent and efficient management of its affairs, as may be deemed just and proper; and to have a corporate seal, and alter or renew the same at pleasure.

§ 2. That the objects of said association shall be to Objects of incorporation. provide financial aid to such of its members as may temporarily become sick or disabled from any cause not their own fault, and in the event of death to the designated representative of the decedent.

§ 3. The principal place of business of the said corporation shall be at West Covington, Kenton county, Place of business. Kentucky. There is to be no capital stock. Its funds shall be derived from the regular monthly dues and weekly assessments, as provided and set forth in the constitution and by-laws adopted by the said association.

§ 4. The officers of the association shall be a president, vice-president, treasurer, secretary, and such Officers of association. other officers as may be necessary to properly conduct the business of the society, and such officers shall constitute the board of directors for the management of

all its affairs of a fiscal or prudential character. The officers of the society shall be elected annually by the qualified voters of the association, and continue in office one year and until their successors are duly elected and qualified. Said officers shall receive no compensation for their services, except the secretary may receive such compensation as the board of directors may determine in view of the services rendered.

Limitation of
indebtedness.

§ 5. The highest amount of liability or indebtedness which this corporation shall subject itself at any one time shall not exceed fifty dollars; and the private property of the members, of whatever kind or wherever located, shall be exempt from liability for the corporate debts.

Exemption of
licenses.

§ 6. The said company being of a purely benevolent character, it shall not be subject to the laws of this State governing life insurance companies, and is hereby exempted from the payment of license fees of every kind whatever.

§ 7. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1281.

AN ACT to incorporate the Mulhattan Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incor-
porators and cor-
porate powers.

§ 1. That Joseph Mulhattan, John E. Stone, M. J. Cunningham, R. O. Cannon, H. N. Adams, J. T. Gosnell, and T. R. McBeath, their associates, successors and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name and style of the Mulhattan Mining Company; and by that name, title and style are hereby made as natural persons to contract and be contracted with, to sue and be sued,

plead and be impleaded, in this State and elsewhere, in all courts of law or equity ; to have a common seal ; to ordain, establish and put in execution all such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not inconsistent with the laws of the State of Kentucky or of the United States.

§ 2. The capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, which may be increased by a vote of a majority of the stockholders to one million dollars. Capital stock.

§ 3. The said company shall have power to work, purchase, lease, negotiate for, and hold, as much real estate as they may deem necessary for the successful prosecution of its business, and to explore, bore, excavate, mine, and dig for gold, silver, copper, iron, lead, coal, asphaltum, marl, mica, and all other products of the earth, on all lands now owned by them, or either of them, or that may be hereafter owned, leased, or otherwise acquired by them, or either of them, in the State of Kentucky or the Territory of New Mexico. The said company shall also have power to put up buildings for machinery and improvements that may be deemed necessary for the successful prosecution of its business, and to sell the same and re-purchase, or otherwise dispose of the same as the interest of the company may require. Class of business.

§ 4. For conducting the affairs of said corporation a board of five directors shall be chosen. . The corpora- Board of directors. tors herein named may constitute said board of directors until said company is organized and the regular board of directors chosen. Said board shall choose one of its number for president ; said board shall continue in office for one year, and until its successors shall be elected and qualified. The board of directors shall be elected annually by the stockholders, who shall be allowed one vote for each share of stock so held, and the vote may be cast by the stockholder in person or on his written proxy. Said election shall

be held on a day to be fixed by the board of directors in its by-laws. The president and board of directors shall have power to appoint all officers, agents, and laborers under them, and at pleasure remove them. The stock of said company shall be deemed personal estate. In the absence of the president the board may appoint a president *pro tem*.

May borrow
money.

§ 5. It shall be lawful for the president and board of directors of said company, from time to time, and at all times, to borrow and obtain loans of money on such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, franchises, effects, or any assets or property whatever of said company for the repayment thereof.

§ 6. In the event of failure on the part of any stockholder to pay off his or her stock, the shares of said stockholder so failing may be forfeited by the president and board of directors, or they may sell the same; or if they so elect, sue and recover the same before any court of record in this Commonwealth or elsewhere, notice of said forfeiture, sale, or suit, to be given said stockholder ten days previous to said proceedings.

§ 7. The individual property of stockholders of this company shall not be liable for the debts of said company.

§ 8. The home office of the company shall be established at Leitchfield, Grayson county, Kentucky, but the company may, if the directors deem it proper and necessary, establish branch offices elsewhere.

§ 9. Said company may commence business when twenty per cent. of the capital stock is paid up, evidenced by the affidavit of the president of said company made before the county clerk of Grayson county.

§ 10. This act to be in force from its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1282.

AN ACT to incorporate the Hungry Knoll Street Railway Company of Harrodsburg, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. K. Cardwell, W. B. Allin, Ben Lee Names of incorporators and corporate powers. Hardin, J. E. Cogar, Ed. H. Gaither, A. E. Clark, E. Rosser, F. D. Spottswood, A. D. Price, and Thomas M. Cardwell, and their successors, be, and they are hereby, created a corporation, by the name of the Hungry Knoll Street Railway Company of Harrodsburg, Kentucky, for the term of thirty years, with all the rights, powers and authority incident to corporations for the purpose hereinafter mentioned; and by that name may sue and be sued; may purchase, hold, sell, and convey such property and real estate as may be deemed proper by said company in the transaction of its business.

§ 2. Said corporation shall, with the consent of the Class of business. chairman and board of trustees of the town of Harrodsburg, have power to construct, maintain and operate street railroads, with all the requisite machinery, and enjoy all the necessary appendages, over, along and through any or all of the streets of said town.

§ 3. The capital stock of said company shall be not Capital stock. less than five nor more than forty thousand dollars, to be divided into shares of one hundred dollars each, to be issued and transferred as the company may direct.

§ 4. The affairs of the company shall be managed Board of directors. by a board of five directors, one of whom shall be elected by said board as president of said company. The incorporators herein named shall act as a board of directors until a board is regularly elected by the stockholders, who shall hold their office for two years and until their successors are duly elected and qualified.

Rules and regulations. § 5. Said board of directors may make such rules, regulations and by-laws for the management of the affairs of said company as they may deem proper, not inconsistent with the laws and Constitution of the State and the United States ; which, however, may be altered or amended by the stockholders.

Subscriptions to capital stock. § 6 The incorporators herein named shall regulate and provide for the manner of receiving subscriptions to the capital stock of said company, and the terms and manner in which it shall be paid in and collected or forfeited, in the event of a subscriber failing to pay for the same.

Writs of ad quod damnum. § 7. The said company shall have the power to construct lines of street railroad to any point within two miles beyond the limits of said town, and for that purpose may acquire land and the right of way by writ of *ad quod damnum*, as provided in chapter one hundred and ten, General Statutes, for turnpike companies ; or the county court or any turnpike or gravel road may, and are hereby authorized, to grant said company the right of way over any road not more than two miles beyond the limits of said town, upon such terms and conditions as may be agreed upon.

May borrow money. § 8. The said company shall have the right to borrow money, issue its bonds of such character and denominations as it may determine, and to execute a mortgage upon its property and franchises to secure same.

Work to be commenced in five years. § 9. Work shall be begun in good faith on this road within five years, or this charter shall be void.

§ 10. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1284.

AN ACT for the benefit of Elvira E. White and her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner, hereafter to be appointed, in suit of John F. White and others, against Frances and Georgia Keiley, now pending in the Pualaski circuit court, be, and he is hereby, authorized and directed to make sale of the tract of land mentioned and described in the pleadings of said action, under judgment of the court, and to collect and receive the proceeds thereof, upon the execution of the usual bond, with good surety, to be approved by the court, and to pay over said moneys, the proceeds of the land aforesaid, sold under judgment of said court in said action, in the following manner, to wit : To Mrs. Elvira E. White her life estate in said money, to be computed according to law in such cases, and the remainder to her children, and to the statutory guardian of those under twenty-one years of age, to wit : Elie Byrd Kelly, William W. Stockton, Nettie Stockton, Mattie Stockton, Georgia Keiley and Frances Keiley : *Provided*, Said commissioner shall first pay the fees and costs of said suit adjudged by the court to be paid out of the proceeds realized from sale of the land aforesaid.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1285.

AN ACT for the benefit of Chas. McDaniel, of McLean county.

WHEREAS, Charles McDaniel, of McLean county, Kentucky, on the — day of July, 1882, paid R. G. Cary, clerk of the McLean circuit court (\$100)

one hundred dollars, being the amount of a judgment recovered against said McDaniel on a forfeited bail bond; and whereas, said one hundred dollars was paid by R. G. Cary to L. L. Moore, trustee of the jury fund of McLean county, and by him into the State Treasury; and whereas, on the — day of —, 188—, J. Proctor Knott, then Governor of the Commonwealth of Kentucky, remitted all of said amount except the Commonwealth attorney's commission, being thirty per cent. of said amount, or thirty dollars; and whereas, said McDaniel has never received any part of said amount; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Charles McDaniel for (\$70) seventy dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1286.

AN ACT to incorporate the Arizona Land and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation. § 1. That W. E. Hobson, John Mason Brown, H. V. Loving and C. J. Van Meter, and their associates, successors and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name and style of the Arizona Land and Mining Company, and by that name, title and style are hereby made as natural persons, to contract and be contracted with, to sue and be sued, plead and be impleaded, in this State and elsewhere,

in all courts of law or equity ; to have a common seal ; to ordain, establish and put in execution all such by-laws, ordinances and regulations as shall seem necessary for the government of said corporation, not inconsistent with the laws of the State of Kentucky or of the United States.

§ 2. The capital stock of said company shall be one Capital stock. hundred thousand dollars, in shares of one hundred dollars each, which may be increased by a vote of the majority of the stockholders to one million dollars.

§ 3. The said company shall have power to work, Real estate. purchase, lease, negotiate for and hold as much real estate as they may deem necessary for the successful prosecution of its business ; to explore, bore, excavate, mine and dig for gold, silver, copper, iron, lead, coal, asphaltum, marl, mica, and all other products of the earth, on all lands now owned by them, or that may be hereafter owned, leased, or otherwise acquired by them, or either of them, in the State of Kentucky or the Territory of Arizona. The said company shall also have power to put up buildings for machinery and improvements that may be deemed necessary for the successful prosecution of its business, and to sell the same and re-purchase, or otherwise dispose of the same, as the interests of the company may require.

§ 4. For conducting the affairs of said corporation Directors. a board of five directors shall be chosen. The corporators herein named may constitute said board of directors until said company is organized and the regular board of directors chosen. Said board shall choose one of its number for president. Said board shall continue in office for one year, and until its successors shall be elected and qualified. The board of Elect annually. directors shall be elected annually by the stockholders, who shall be allowed one vote for each share of stock so held, and the vote may be cast by the stockholder in person or on his written proxy. Said election shall be held on a day to be fixed by the board of directors in its by-laws. The president and board

of directors shall have power to appoint all officers, agents and other laborers under them, and at pleasure remove them. The stock of said company shall be deemed personal estate. In the absence of the president, the board may appoint a president *pro tem*.

Loan money.

§ 5. It shall be lawful for the president and board of directors of said company, from time to time, and at all times, to borrow and obtain loans of money on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, franchises, effects, or any assets or property whatever of said company for the repayment thereof.

Failure to pay
off stock.

§ 6. In the event of failure on the part of any stockholder to pay off his or her stock, the shares of said stockholder so failing may be forfeited by the president and board of directors, or they may sell the same; or if they so elect, sue and recover the same before any court of record in this Commonwealth or elsewhere. Notice of said forfeiture, sale or suit to be given said stockholder ten days previous to said proceedings.

§ 7. The individual property of stockholders of this company shall not be liable for the debts of said company.

§ 8. The home office of the company shall be established at Louisville, Kentucky; but the company may, if the directors deem it proper and necessary, establish branch offices elsewhere.

§ 9. That this act take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1287.

AN ACT to amend an act, entitled "An act to incorporate the Saturday Night Savings and Loan Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of said act be, and the same is hereby, amended by striking out the word only in said section, and adding at the close of said section the following: And the association may also loan to its members upon their shares, ninety per cent. of the amount paid into the association, in sums not less than one hundred dollars: *Provided*, Loans to the extent of five hundred dollars per share, secured by real estate, has not previously been made to shareholders so applying. Such loans shall be secured by a pledge and hypothecation of said shares.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1290.

AN ACT to incorporate the Montgomery County Trotting Horse Breeders' Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. T. Simrall, H. M. Woodford, W. O. Chenault, J. D. Cockerell, W. D. McWilliams, John W. White, Asa Bean, J. L. Elliston, S. F. B. Morse and Irving Hulsey, their successors and assigns, be, and they are hereby, constituted a body-corporate and politic, under the name and style of the Trotting Horse Breeders' Association of Montgomery County; to have perpetual succession, power to sue and be

sued; to have a common seal, and alter the same at pleasure, and to issue stock and make the same transferable as they may see fit.

Powers of association. § 2. The private property of members shall be exempt from liability for corporate debts.

§ 3. Said association shall have power to buy and sell live stock, to stand stallions for hire, own, keep and train horses of all kinds, make contracts, acquire and transfer real and personal property, keep and own trotting or running tracks, and hold trotting and running meetings, and charge admission to same.

By-laws. § 4. It shall have power to make and establish by-laws, and make all rules and regulations for the management of its own affairs, not inconsistent with the Constitution or laws of this State or the United States.

§ 5. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1292.

AN ACT to incorporate the Junction Land and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That W. A. Patton, James H. M. Connell and Thomas R. Brown be, and they are hereby, incorporated under the name of the Junction Land and Manufacturing Company, with power to sue and be sued, contract and be contracted with, plead and be impleaded, under their said corporate name, and shall have perpetual succession.

Nature of business. § 2. The general nature of the business to be transacted by this corporation is the buying, acquiring, holding, transferring and selling lands and town lots, and laying off lands into town lots, and may sell same

as a whole or in shares or lots ; and may erect buildings, establish manufacturing industries, and bore for gas, and mine clays and minerals on its lands.

§ 3. The principal place of business of this corporation shall be at Catlettsburg, Boyd county, Kentucky, and the operations of said corporation shall be upon lands in Boyd county, Kentucky, alone. Place of business.

§ 4. The amount of capital stock authorized to be issued in name of the corporation is one hundred thousand dollars, divided into one thousand shares of one hundred dollars each par value. Capital stock.

§ 5. The stock subscribed for shall be paid for in such installments and at such times as the board of directors may deem proper to direct. There shall be a lien upon stock for all indebtedness to this corporation for same. Stock subscribed for.

§ 6. The affairs of this corporation shall be conducted and managed by a board of directors of not less than two or more than seven in number, the majority of which shall be citizens of Boyd county, Kentucky. Directors.

§ 7. The officers of said corporation shall consist of a president, secretary, treasurer and general manager. The offices of secretary and treasurer may be held by one and the same person, and offices of president and general manager may be held by one and the same person. President and secretary.

§ 8. The board of directors shall be elected by the stockholders on the third Monday in February of each and every year after organization of this corporation, and shall hold their respective positions for the period of one year, and until their successors are elected and qualified ; and the board of directors shall elect from their number a president, and appoint other officers as above designated, and fill vacancies in office, and also appoint such agents as may be necessary to assist in conducting the affairs of the corporation ; and shall prescribe the duties and fix the salaries of the officers, and fix compensations to agents of the corpo- Directors elected
Elect president.

By-laws.

ration ; and shall have power to make by-laws to govern the officers, agents and attaches of the corporation, and may provide for the regulation and management of all the affairs of the corporation ; and may provide by by-laws, when it sells undivided lands or undesignated town lots, how the ownership of each share or town lot may be determined, by lot or otherwise, for the owners. The board of directors shall also have power to authorize president to sign, execute, acknowledge and deliver deeds for, or mortgages on, all and singular, the property rights, privileges and effects of this corporation, and to issue and dispose of certificates of indebtedness, bonds and evidences of debt, in such sums and on such terms as the board may direct.

Powers devolving on board.

§ 9. A majority of the board of directors shall have power to carry into effect the powers devolving on said board.

§ 10. The highest amount of indebtedness to which said corporation shall at any time subject itself shall not exceed two-thirds of the capital stock.

§ 11. The corporation shall not begin business, other than organization, until twenty-five thousand of the capital stock of same (par value) has been subscribed.

§ 12. The private property of the stockholders shall be exempted from corporation debts and all liabilities thereon.

Select board of directors.

§ 13. The incorporators of this company shall, within one year from this date, select a board of directors and the other officers above designated, who shall hold their office until their successors are elected and qualified.

§ 14. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1293.

AN ACT to incorporate the State Insurance Company, of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. W. C. Goodloe, J. T. Slade, Alex. Pearson, ^{Incorporators.} John. W. Lell, W. L. Threlkeld, Wm. M. Duncan, S. G. Sharp, D. W. Sanders, M. Keller, John Ready, T. G. Stuart, H. Myers, W. T. Cox, Russell Duncan, R. M. Williams and R. C. Morgan, shall be, and are hereby created to be, a body-politic and corporate, by the name and style of the State Insurance Company, of Lexington, Kentucky; and by that name shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity and elsewhere; with full authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate and personal property as shall be necessary and convenient for the transaction of its business, or which may be conveyed unto said company for the security or in payment of all debts which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor, not inconsistent with the laws regulating the investments of fire insurance companies of this State; and to make and use a common seal, and the same to alter and renew at pleasure; and generally to do all things relative to the object of this company.

§ 2. That the capital stock of this company shall ^{Capital stock.} be one hundred thousand dollars, which may be increased at the will of the stockholders to five hundred thousand dollars, and shall be composed of shares of one hundred dollars each. At the time of subscribing there shall be paid on each share five dollars, and the balance on each share shall

be subject to the call of the directors, and shall be secured by notes on other property, stocks or bonds, to be approved by the president and directors for the time being. The said security shall be renewed whenever the directors may consider it proper ; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay any installment, in whole or in part, when requested by the directors, the president and directors may sell and dispose of such stock, and after deducting the expenses of such procedure, shall pay over to such stockholder any excess which may remain ; yet such stockholder shall be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

When to begin business. § 3. That said company shall not be authorized to begin business until the sum of one hundred thousand dollars (\$100,000) in cash shall be paid up as capital, and the fact certified as now required by law.

Transfer of stock § 4. The transfer of stock may be made by any stockholder or his legal representative, subject to such restrictions as the board of directors shall from time to time make and establish.

Management. § 5. The affairs of the company shall be managed by not more than nine (9) nor less than five (5) directors, a majority of whom shall constitute a quorum, the number of directors to be determined in the by-laws, after the first election, all of whom shall be stockholders, to be elected as follows: The stockholders composing this association shall have a meeting for the first election within one month after two hundred shares of stock shall have been subscribed for, and on the second Saturday in June in each and every year thereafter, and choose by ballot at the first election nine (9) directors from among the stockholders at the first election ; two or more incorporators herein named to act as judges of election, keep a poll-book, and declare the persons elected directors. Each share of stock subscribed, and upon which the

payment has been made as required in the second section, shall entitle the holder to one vote; and the directors so chosen shall serve until the second Saturday in June following, and until others are chosen. At the first meeting after each election said directors shall choose by ballot a president from among themselves, a majority of all being necessary to constitute a quorum for that purpose; and in case of death or disability of the president, the directors shall fill the vacancy by ballot as before; and in case of vacancy in the board of directors, it shall be filled by the directors from the stockholders for the remainder of the year.

§ 6. That it shall be lawful for said company to Business. insure houses and other buildings or structures, and personal property contained in any houses, buildings or structures, of whatever kind, against fire, lightning or storm, in or out of the State; also steamboats or other vessels, and property contained therein, against loss or damage by fire or otherwise, and shall be liable to make good all losses sustained by fire or otherwise, agreeably to such terms and conditions as shall be contained in the policy of insurance.

§ 7. It shall be lawful for said company to invest Investments. all or any part of its capital stock, money, funds or other property in such way as the directors shall deem best and most advantageous: *Provided, however,* That all such loans or investments shall be made in accordance with the existing laws of this Commonwealth regulating the loans and investments of fire and marine insurance companies; and may acquire, hold and possess, by purchase or otherwise, any insurance interest or business, or the profits thereof, that the directors may deem advisable; and may transfer, sell and dispose of any or all interests which the said company may have acquired by said investment or otherwise: *Provided,* It shall not be lawful for said company to use and employ any part of said capital stock, money or other funds, in buying

and selling goods, wares and merchandise, nor in the purchase of real estate, except as provided in the first section of this act ; nor shall the said company trade in the business of exchange, brokerage, nor issue or emit bills of credit as a circulating medium of trade or exchange, nor in any manner engage in the business of banking.

Dividends.

§ 8. The president and directors shall declare such dividends of the profits of the business of the company as shall not impair, nor in any way lessen, the capital stock of the same. The dividends shall be made half yearly, on the second Saturday in June and December, and shall be paid to the stockholders ten days thereafter ; but no dividends shall be paid to any stockholder whose stock is delinquent, but shall remain to the credit of said stockholder on the books of the company until said delinquency is settled or made good to the satisfaction of the directors.

Officers

§ 9. That the president and directors shall have power and authority to appoint a secretary and other officers under them as shall be necessary for transacting the business of said company, and may allow them such salaries as they may judge reasonable ; to ordain and establish such laws and regulations as may appear to them necessary for regulating and conducting the concerns of said company, and not being contrary to or inconsistent with this act, the Constitution and laws of this State and the United States ; they shall keep full, fair and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

§ 10. That the stock of this company may be transferred and assigned on the books of the company, in person or by power of attorney ; but no stockholder indebted to the company shall be permitted to make any transfer or receive any dividend until such debt is paid or secured to the satisfaction of the president and directors.

§ 11. The president and directors may call a general

meeting of the stockholders for any purpose relative Meetings. to the affairs of the company, giving at least three weeks' notice thereof in some newspaper printed in the county of Fayette.

§ 12. Should it happen that, from any cause, the Elections. annual election of directors should not take place in any year, or the day hereinbefore mentioned for that purpose, the corporation shall not, for that reason, be dissolved, but such election may be lawfully held on such other convenient day, within six months thereafter, as may be fixed on by the president and directors, causing three weeks' notice of said election to be printed in some newspaper printed in said county.

§ 13. That all policies or contracts of insurance that Contracts. may be made or entered into by said company, may be made under or without the seal thereof, and shall be subscribed by the president, or such other officer as may be designated for that purpose by the said company, and attested by the secretary; and being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent and meaning of this act and of such policies or contracts; and all such policies and contracts so made, subscribed, attested and executed, and the loans and other business of the company, may be made, conducted and carried on without the presence of the whole of the directors, but by such committees, agents, or otherwise as the board may authorize, and the same shall be binding upon the company.

§ 14. That the individuals named in the first section of this act shall, after the passage of this act, Organize. meet at Lexington, in said county; a majority of said incorporators being necessary to constitute a quorum; and being assembled, shall appoint such persons as they may deem proper to receive and open books for subscription to the capital stock of this company; said books to be opened at such places and at such time as shall be determined at said meeting; notice of the time and place of opening such

books to be given by publication in one or more papers printed in the county of Fayette; and said books to remain for the receipt of subscriptions at such places for the space of twenty (20) days, unless the whole amount of the capital stock herein limited shall be sooner subscribed; and said persons holding books for the subscription of said capital stock shall receive all moneys paid at the time of subscribing to said stock, and hold the same until the election of the first board of directors, when the same shall be delivered to said board.

§ 15. That at the first election any stockholder shall have the right to vote upon every share of stock by him subscribed, and upon which he has paid the amount in cash required by the second section of this act; and at all subsequent elections the said stockholders to be governed by such rules, regulations and by-laws as may, by virtue of this act, be adopted by the board of directors of said company. That said company shall pay taxes, as other insurance companies are now required to pay, under the general insurance laws of this State.

§ 16. That this act shall take effect from its passage, and continue in force for the space of one hundred years.

Approved April 27, 1888.

CHAPTER 1294.

AN ACT to amend an act to amend the charter of the Fayette Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Fayette Building and Loan Association," be, and the same is hereby, amended as follows: By inserting in the fifth section, as set out in

the act to which this is an amendment, between the words "and liens upon real estate" and the words "ample in amount," the words "or good collateral security, to be approved by the board of directors."

§ 2. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1296.

AN ACT to incorporate the Carrollton and Eminence Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. F. Howe, John I. Forbes, Prentiss Incorporators. Meade, Thos. J. McElrath, and their associates, successors and assigns, be, and are hereby, created a body-politic and corporate, under the name of the Carrollton and Eminence Railroad Company, with per- Namepetual succession, and by that name shall be capable of taking, purchasing, holding, leasing, selling and conveying real and personal estate, so far as may be necessary or expedient for the purposes hereinafter mentioned ; and in said corporate name may sue and be sued, contract and be contracted with ; have a common seal, which they may alter at pleasure, and may have and exercise all the rights, powers, privileges and immunities necessary or proper to carry into effect the objects and purposes for which this corporation is created.

§ 2. The said company is hereby empowered to con- Business.struct a line of railroad of standard gauge, single or double track, with all the necessary and proper sidings, switches and branches ; which line of railroad shall begin within the corporate limits of the town of Carrollton and extend, by the nearest and most practicable route, through the counties of Carroll, Trim-

ble and Henry, or either of them, to the town of Eminence or New Castle, in Henry county; and with the right and power to construct and operate branch lines to such points in said counties, or counties adjoining them, as the company may deem advisable.

Locate line.

§ 3. For the purpose of making the surveys necessary or deemed advisable by it, to enable said company to locate its line or lines of railroad as aforesaid, the officers, agents and employes of said company are hereby authorized and empowered to enter upon and make surveys over any land between said terminal points, or on the line of any proposed branch of said railroad in the counties of Carroll, Trimble, Henry, or in any county adjoining said counties, and to set and mark off on said lands the proposed line or lines of said railroad and branches.

Condemn lands.

§ 4. The said company may acquire by gift, purchase or condemnation, a perpetual right of way to such line or lines as may be selected by it for its said railroad and branches, not exceeding sixty feet in width, except where a greater width is required by reason of natural formations or obstructions, or for side-tracks, stations, water-tanks or other necessary appurtenances. It may also acquire by gift, purchase or condemnation, any stone quarries, gravel pits or earth adjacent to its line or lines, or other material to be used in the construction, operation or repair of said railroad or its branches, and the right of way to and from the same.

§ 5. In case said company can not agree with the owners and occupiers for the lands or other property necessary for the purposes specified in the foregoing section, said company may condemn same, according to the provisions of the act of April 1, 1882.

Operate other
railroads.

§ 6. The said company may purchase or lease, and operate other railroads in connection with its railroad and branches, or it may sell, lease or transfer its railroad or branches, and its corporate rights, franchises and privileges, to any other railroad company, persons

or corporation, or consolidate with any other line of railroad. In case of such sale, transfer or consolidation, the name of said railroad may be changed as may be agreed between the board of directors of this company and the company, persons or corporation so acquiring the Carrollton and Eminence Railroad.

§ 7. The authorized capital stock of said company ^{Capital stock.} shall be two million dollars, divided into shares of one hundred dollars, and so much thereof as the board of directors of said company determine may be issued in payment for property, rights of way, land, material and equipment furnished, or work and labor done in connection with the location and construction of said railroad or its branches; and work on said railroad may begin when fifty thousand dollars have been subscribed to its capital stock. The incorporators, or a majority of them, may, at any time, open books for subscriptions to the capital stock of said company, which subscriptions shall be made on such terms as may be prescribed by said incorporators. Shares of stock in said company shall be deemed personal property, and be transferable on the books of the company as prescribed by the by-laws. At all meetings of stockholders each share of stock shall be entitled to one vote, and stockholders may vote in person or by written proxy; but the board of directors may determine as to whether stockholders shall be allowed to vote before their subscriptions are paid. The private property of stockholders shall be exempt from the corporate debts of said company.

§ 8. Said company may, by order of its board of ^{Bonds.} directors, execute its bonds, signed by the president and attested by the secretary, for amounts not exceeding, in the aggregate, thirty thousand dollars per mile for each mile in length of its railroad and branches as surveyed and located, and the right of way acquired by it, made payable at such times and places as the board of directors may have determined, and bearing interest, payable annually or

semi-annually, at a rate not exceeding six per centum per annum; and may secure the bonds so issued by mortgage on the property, franchises, immunities and privileges of said company, with such stipulations and directions as may be determined on by the board of directors; and said bonds may be disposed of as ordered by said board.

§ 9. The said company shall have power to erect
Telegraph lines. and maintain, in connection with its said railroad and branches, a line or lines of telegraph, so far as may be necessary for the transaction of its business and that of the public.

§ 10. Said company shall build a bridge across the
Bridge over Ohio river. Kentucky river where said railroad crosses the same, and within the corporate limits of Carrollton, for the use of said road; but it may be built so that there may be a wagon and foot-way across it for the use of the public, for which such reasonable tolls may be charged as the Carroll county court and the company may, from time to time, agree upon; or in case of disagreement, to be fixed by the circuit court on appeal from the order of the county court fixing the rates. In the event that the Carroll county court, a majority of the justices present and concurring therein, shall contribute to the building of said bridge such an amount as may be agreed upon by said court and company, and which said court is hereby authorized to do, and to issue bonds if deemed necessary in payment thereof, and to levy a tax to pay the interest of said bonds, and to pay the principal at maturity, then the tolls from such bridge, so far as it is a wagon and foot-way, shall be collected by, and go to the benefit of, the county; or it may, at any time, be made free to the public that the said court so constituted may determine: *Provided, however,* That if said bridge is not built as high above low-water mark as the railroad bridge across the Kentucky river near Worthville, it shall be made a draw-bridge, with sufficient space to allow any steamboat to pass through the opening. In the

event that said bridge is built with a wagon and foot-way, no other wagon and foot bridge shall be built within less than one mile of it, across the Kentucky river, for ten years from the time it is completed ; but this exclusive privilege is hereby granted only on the express condition that said bridge shall be located and work actually begun within three years, and that it be completed in five years from the passage of this act.

§ 11. Said company is authorized to aid and assist any company that may be created for the purpose of erecting a bridge across the Ohio river at Carrollton, or within one mile thereof, on the east side of Kentucky river, either by subscribing to the stock, or purchasing the bonds of such company, or in any other way, and to such an extent as the directors of this company or its assigns may think proper.

§ 12. The business of said company shall be con- Management.
ducted by a board of not less than five nor more than nine directors, as the stockholders may determine, which board shall be elected annually, at such time and place as the board of directors may fix, of which due notice shall be given, at least twenty days beforehand, in not less than one newspaper published in each of the counties in which said railroad or any of its branches is located. The board of directors shall fill all vacancies that may occur in the board, and shall annually elect from their number a president and vice-president, and shall appoint a secretary, treasurer and such other officers and agents as they may deem necessary ; and shall require such bond from said treasurer, secretary or other officers as they may deem necessary for the protection of the company, and its money or property committed to said officers or agents, and for the faithful performance of their duties. The duties of all such officers and agents shall be prescribed by the board. A majority of said board shall constitute a quorum for the transaction of all business. Until the said company

shall actively commence the construction of its said line of railroad, the corporators named in section 1, or their assigns, shall constitute the board of directors of said company, and as such shall have full right and power to do any thing herein authorized and deemed by them necessary or expedient to be done, in order to secure the construction and operation of said railroad.

By-laws.

§ 13. The board of directors of said company may enact and enforce by-laws for the government of said company, its officers, agents and employes, and may alter and amend the same at pleasure, consistent with the powers granted herein, the general laws of the State and United States.

Operate railroad

§ 14. Said company shall have the right to construct and operate its railroad upon and over the streets and highways of or in any town or county over which it may desire to construct the same, on such terms as may be agreed upon between it and the municipal authorities, county court, or persons or corporation having the control thereof; and may contract with any other railroad company for the use of its railroad or property, depots or other facilities; or may, by such proceedings in the county court as hereinbefore prescribed, acquire the right of way across any other railroad, or to bridge the same, so as to not interfere with the operation of trains on such railroad.

§ 15. Said company may acquire and hold, by gift, purchase or condemnation, as hereinbefore provided, such land adjacent to or near its railroad as may be necessary for the construction and use of machine and repair shops; and may construct and operate thereon shops and other buildings for the construction and repair, and for the taking care of its cars, locomotives and other equipments.

§ 16. This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1298.

AN ACT to incorporate the Coal Mining and Lumber Company of Caneyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Hearден Wilson, Charles Young, A. L. Incorporators. Blain, James Ross Bond, their associates, successors and assigns, be, and are hereby, constituted a body-corporate and politic, by the name and style of the Caneyville Coal and Iron, Mineral, Oil, and Lumber Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, in all courts and places; to have a common seal; to own property, both real and personal; to engage in mining for coal, iron and other minerals, and preparing them for market; also timber, and transporting and selling the same within or without this State, and to do other acts, and to have all other powers needful for the successful prosecution of their business, and for the execution of the power herein granted.

§ 2. That said corporation may organize said com- Organization. pany by the election of president and a board of directors, not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

§ 3. The capital stock of said company shall be Capital stock. twenty-five thousand dollars, which may be increased

to one hundred thousand dollars, divided into shares of one hundred dollars each.

Business. § 4. The said company may buy, lease or rent any suitable lands, mines, mining privileges, rights of way, and other property and rights necessary for their business; and may dispose of the same, or any portion of the same, by sale or exchange; they may receive real estate, leasehold, mining rights and rights of way in payment of such part of subscriptions as they may deem advisable.

Buildings. § 5. Said company may erect and build on any of their lands such buildings, furnaces, mills, engines, machinery and fixtures as may be deemed convenient and proper for establishing and conducting the business of the company, and may have their chief office at Caneyville.

Railways. § 6. Said company may construct railways, railroads, tramways, and operate the same from its mines to any other railroads, or to any navigable streams near the vicinity of their business; and if for these purposes it be necessary or convenient to pass over the lands of others, in the same manner as is now provided by law: *Provided*, That this corporation shall have no power to condemn the lands or other property of corporations or individuals.

Mining. § 7. Said corporation of said company, in mining coal, iron and cutting timber, shall be confined to Caney creek and its tributaries. The principal office shall be at Caneyville, Grayson county, in this State.

§ 8. This act to take effect from and after its passage.

Approved April 27. 1888.

CHAPTER 1299.

AN ACT to prevent trespass upon the Mammoth Cave, in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to chip off, mutilate or deface, or carry away, any part of the Mammoth Cave, in Kentucky.

§ 2. Any person violating the first section of this act shall, upon conviction, be fined fifty dollars, to be recovered in any court of competent jurisdiction.

§ 3. No person shall be convicted under this act unless the owner or keeper of the Mammoth Cave shall cause to be posted, and kept posted in some conspicuous place, in or near the Mammoth Cave, a printed copy of this act.

§ 4. This act to take effect from its passage.

Approved April 27, 1888.

CHAPTER 1300.

AN ACT for the benefit of Lafayette Smith.

WHEREAS, Lafayette Smith served as a private in Company B, of the South Cumberland Battalion of the Kentucky State Guards, from the second day of May, 1865, to the twenty-third day of October, 1865, a period of five months and twenty-one days, without receiving any pay therefor, he being unavoidably absent at the time the officers and privates were paid and mustered out, but has since then received an honorable discharge, and has never been paid the amount the State contracted and agreed to pay him under the then existing laws ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed

to draw his warrant in favor of Lafayette Smith for the sum of eighty-nine dollars and fifty-nine cents, to compensate him for said services.

§ 2. That this act take effect and be in force from its passage.

Approved April 27, 1888.

CHAPTER 1901.

AN ACT to amend an act, entitled "An act to regulate the sale of spirituous, vinous and malt liquors in Woodford county," which became a law April 21, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to regulate the sale of spirituous, vinous and malt liquors, in Woodford county," which became a law April 21, 1888, be, and the same is hereby, amended as follows, to-wit:

§ 1. The words "between the hours of 7 o'clock A. M., and 6 o'clock P. M.," which are inclosed in parenthesis in the first section of said act, and the parenthesis inclosing said words, are hereby stricken from said act.

§ 2. The thirteenth section of said act shall read as follows: Section 13. The election herein provided for shall not be held except at the time of the regular election in August of any year. Should a majority of the votes cast at any election be against the sale of spirituous, vinous and malt liquors, then the question shall not again be submitted for three years.

§ 3 This act shall take effect from and after its passage.

Approved April 27, 1888.

CHAPTER 1302.

AN ACT for the benefit of F. N. Pitt, of Nelson county.

WHEREAS, F. N. Pitt qualified as the committee of a legally declared pauper idiot just before the expiration of the five years during which the inquest entitled said pauper idiot to an allowance from the State; and whereas, said committee was ignorant of the time of the expiration of the five years; and whereas, he advanced to the support of said pauper idiot, who had been legally declared one of the State's charities, his individual money after the expiration of the inquest, and until the death of said unfortunate, to the amount hereinafter set out; and whereas, said committee was not related to said unfortunate, and would not have advanced said money to said unfortunate except that he believed he would be compensated by the State; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of F. N. Pitt, of Nelson county, for forty-four dollars and sixty-five cents.

§ 2 This act shall take effect from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1303.

AN ACT for the benefit of Thomas E. Boone.

WHEREAS, Thomas E. Boone, of Nelson county, paid one hundred and fifty dollars to the State of Kentucky, February 13th, 1887, for the privilege of retailing liquors in Bardstown for the period of one year from and after that date; and whereas, by the pas-

sage of the local option law in Bardstown he was deprived of the right to sell from and after October 8th, 1887, by reason of the expiration of the town license on that date; and whereas, about four months of the time thus paid for to the State have been of no avail to said Boone, and that fifty-three dollars and fifty-six cents are justly due him from the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the State Treasurer in favor of Thomas E. Boone, of Nelson county, for the sum of fifty-three dollars and fifty-six cents.

§ 2. Said sum shall be paid out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 28, 1888.]

CHAPTER 1304.

AN ACT to amend an act, entitled "An act to prevent the sale, loan, exchange, barter or gift of spirituous, vinous or malt liquors, or any mixture thereof, within common school district No. 35, including the town of Murray, in Calloway county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be amended as follows: After the word "case," and before the word "but," in the seventh line of section two, insert "or if said court be not in session, such offender may be arrested upon warrant and tried before the county judge of said county and so punished."

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 30, 1888.]

CHAPTER 1305.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to prohibit the sale and traffic in spirituous, vinous and malt liquors in Hopkins county.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to prohibit the sale, barter and traffic in spirituous, vinous and malt liquors in Hopkins county,' " passed at the present session of the General Assembly, and approved the 29th day of February, 1888, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 30, 1888.]

CHAPTER 1306.

AN ACT to prohibit the sale of all intoxicating drinks within a radius of one and one-half miles of Bethel M. E. Church, in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful to sell spirituous, vinous or malt liquors, or mixtures of same, and all bitters or nostrums that intoxicate, within a radius of one and one-half miles of Bethel M. E. Church, in Wayne county.

§ 2. Any person or persons violating the provisions of section 1 of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined one hundred dollars for each offense, to be recovered in any court having competent jurisdiction.

§ 3. This act to take effect from its passage.

[Became a law without approval of Governor April 30, 1888.]

CHAPTER 1307.

AN ACT to incorporate the Beech Ridge Mining and Mineral Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- § 1. That R. H. Arkenburgh, Jr., C. B. Edwards
 Corporators. and W. A. Arkenburgh, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the
 Corporate name. Beech Ridge Mining and Mineral Company; and by
 Powers. such name shall have perpetual succession; may sue and be sued, plead and be impleaded, in any court as a natural person; may have and use a common seal, and may ordain and put in force such by-laws, rules and regulations, for the government of said company and the efficient management of its affairs as may be deemed expedient and not inconsistent with the laws of this Commonwealth.
- § 2. The capital stock of said company shall be one
 Capital stock. million five hundred thousand dollars (\$1,500,000), divided into shares of fifty dollars each, which shall be
 Shares. deemed personal property, and shall be transferable
 Dividends. only on the books of the company. The president and directors shall have power from time to time to declare a dividend out of their net profits of the business; and for the purpose of extending their works and for the convenience of their business, by a vote of
 Capital stock in- the board of directors, the capital stock of the com-
 creased. pany may be increased to such an amount as may be deemed necessary to carry out successfully the business of the company, not to exceed two millions of
 Borrow money dollars. They may borrow money and issue bonds
 and issue bonds. therefor, bearing interest at any rate not to exceed eight per cent. per annum, and secure the payment
 Mortgage. thereof by a mortgage or mortgages upon the real and personal estate of the corporation. The said corporation, in addition to the specific powers hereby given

and enumerated, may exercise any and all the powers conferred upon similar corporations by the general laws of the Commonwealth of Kentucky.

§ 3. The business of said company shall be the Nature of business. mining of coal, iron, and its manufacture; cutting and sawing timber; boring for oil, and its shipment and refining, and for natural gas, and its utilization by sale or transmission by piping, tubing or otherwise; and for these purposes may sell all stocks properly in such manner and on such terms as may seem best for the interest of the corporation; and may purchase, hold, sell and convey such lands, mines, oil rights, leases of such rights; and may erect any buildings on their lands or leases as they may think fit for the corporation business. They may make contracts for the delivery of natural gas, oils or other products of the earth, for use on the premises or elsewhere in Kentucky; and may lay such piping or conduits or agencies for the delivery of such products as they may desire, and may do any and all things necessary to carry out the object and purpose of their incorporation not inconsistent with the laws of this Commonwealth.

§ 4. The said corporation may construct, erect and Railways and tramways. maintain roads, railways and tramways, from any of its lands, mines, mining rights, wells and works, to any river or railway contiguous thereto.

§ 5. Said company may buy, lease or rent any suitable lands, mines, mining rights, wells, or rights of way, mills and machinery, necessary to their business; and may dispose of same, or any part thereof, by sale or exchange; and it may receive real and personal estate, leaseholds, mining rights and rights of way, in payment, in whole or in part, of any capital stock subscriptions made to the capital stock of the corporation as they may deem advisable. Buy, lease or rent.

§ 6. The affairs of said corporation shall be managed by a board of five directors, all of whom shall be stockholders, and three of them shall constitute a Directors.

Elections.

quorum for the transaction for business. The incorporators mentioned in this act shall be the constituted directors until their successors are elected and qualified. The stockholders shall meet at the office of the company on the first Monday in June of each year, and elect five directors for the ensuing year, who shall hold their offices until their successors are duly elected and qualified. Elections for directors shall be by ballot, and meetings for such elections shall be advertised, as the board of directors shall indicate. The directors shall choose from their own number a president, vice-president, secretary and treasurer, and may elect from their own number, or from the stockholders, a general superintendent, and may appoint such other agents as they may deem proper. They may fix the salary of any agent or officer appointed by them, and fix and prescribe the duties of such officer or agent or employe of the company. Bonds may be required of any officer or agent. The incorporators herein named may, at any time after the passage of this act, open books for the subscription of stock, and when fifty thousand dollars of stock is subscribed this company may be organized, according to the provisions of this act, and begin business. The stock that is not subscribed for at the organization may be held, sold or disposed of as the directors may determine and order; and the directors may make such calls for the unpaid subscriptions as, in their judgment, the interest of the company may demand, until the whole arrearages shall have been paid.

Open books.

§ 7. No stockholder shall ever be held liable for debts or liabilities of the company in a larger or further sum than the amount of any unpaid balance due to said company for stock subscribed for or held by said stockholders.

Principal office,
New York.

§ 8. The principal office of the company shall be in New York City, New York, but other offices and agencies therefor may be established elsewhere in

States in the United States, for the transaction of any business of said company.

§ 9. The directors may make any by-laws, not in- By-laws.
consistent with this act and the laws of this State,
that they deem necessary to the full working of the
company under this charter.

§ 10. This act shall take effect from its passage.

[Became a law without approval of Governor April 30, 1888.]

CHAPTER 1309.

AN ACT to incorporate the Hog Run and Fredericktown Turnpike
Road Company, in Washington county.

*Be it enacted by the General Assembly of the Com-
monwealth of Kentucky :*

§ 1. That a company be, and is hereby, formed and created a body-politic and corporate, by the name and style of the Hog Run and Fredericktown Turnpike Road company, for the purpose of constructing a macadamized or gravel turnpike road from a point on the Beech Fork, near the mouth of Hog Run, and passing by the depot grounds near where Oliver Croak now lives to Fredericktown, on the Springfield and Bardstown Turnpike.

§ 2. Said road shall be under the management and control of five directors, one of whom shall be chosen president by said directors, and another shall be in like manner chosen secretary and treasurer of said company.

§ 3. The capital stock of said company shall be five thousand dollars, or such sum as may be necessary to build said road, to be divided in shares of twenty-five dollars each, and each stockholder shall be entitled to one vote for each share owned by him or her.

§ 9. Oliver Croak, Alex. Hamilton, Dr. C. H. Shanty and Thomas Thompson, are appointed commissioners to open books for the subscription of stock in said

road, at such time and place as they may determine ; and when twenty-five hundred dollars of bona fide solvent private subscription to said road shall be received, the commissioners may give written notice to the stockholders to meet, at a time and place stated in the notice, for the purpose of electing directors and officers as provided in section 2 of this act.

§ 5. That the president and directors of the Hog Run and Fredericktown Turnpike Company shall be vested with all the power, authority, immunities, privileges and advantages, in all and every respect, that are now vested in the Beechland and Lincoln Run Turnpike Road Company, in Washington county, as if introduced and repeated herein, except so far as they are altered and modified by this act.

§ 6. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1310.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to turnpike roads in Nicholas county, and appertaining thereto, and providing for the appointment of a turnpike commissioner."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Words stricken
out and inserted
in original act.

§ 1. That an act, entitled "An act to reduce into one the several acts in relation to turnpike roads in Nicholas county, and appertaining thereto, and providing for the appointment of a turnpike commissioner," approved February 29, 1888, be amended by striking out the word "that," and substituting therefor the word "and," between the word "engineer" and the words "the contract," in section 1 of said act, and by striking out the word "or,"

and substituting therefor the word "and," between the words "company" and "until," in section 2 of said act, and by striking out the word "or," and substituting therefor the word "and," between the words "by them" and the word "until," in said section, and by striking out the word "payment" in said section, and substituting therefor the word "judgment," and by striking out the words "two-thirds in value," between the words "until" and "of," and inserting in lieu thereof the words "a majority," in said section, and by striking out from said section these consecutive words, "upon the conditions imposed by the provisions of section 1 of this act;" and that section 3 of said act be amended by striking out the word "one," and substituting therefor the word "two," between the word "exceeding" and the word "hundred," in said section.

§ 2. That section 1 of said act be amended, and provide that the commissioner shall approve the action of the board of directors in receiving the road as completed, unless, in his judgment, said road has not been built according to the contract and specifications; and upon his refusal to approve the same, the board of directors may appeal to the court of claims, at its regular or called term after said action of the board; and the approval of their said action by the court on said appeal shall entitle them to collect the county subscription; but the commissioner must have notice of the appeal; and that said section be further amended so as to add, immediately after these words, "but if not," the following words, "unless the county court be composed of the county judge and a majority of the justices of said county, shall extend the time for completing the road to a time certain."

§ 3. That section 2 of said act be so amended as to apply its provisions to turnpikes, portion of which only shall lie in Nicholas county; and in such cases the amount of stock required to be surrendered shall be more than one-half in value of the private stock

Approval of
action of board.

Where part of
road in other
counties.

subscribed or owned by citizens of said county in said road.

Road commis-
sioner.

§ 4. That section 3 of said act be so amended as to provide that the presiding judge of the Nicholas county court may appoint a turnpike road commissioner, whose powers, duties, liabilities and compensation shall be as provided in respect to the commissioner provided for in said act; but said commissioner's term of office shall expire on the second Monday in October, 1888.

§ 5. That section six of said act be so amended as to add to said section, immediately after the words "turnpike road," and immediately before the word "except," the words, "unless such payment be for necessary and immediate repairs on the road."

Exemption of
certain roads.

§ 6. That section eight, being the repealing section of said act, be so amended as to exempt from the provisions of section one of said act; and the provisions of said section one shall not apply to an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county," approved April 3d, 1884, and the acts amendatory thereto, approved February 29th, 1888, and 12th day of April, 1888; and an act, entitled "An act to charter the Pleasant Spring and Brushy Fork Turnpike Road Company, in Nicholas county," enacted May 5th, 1886, and an act amendatory thereto approved February 29th, 1888; and said acts and amendments, as hereby modified and amended, are re enacted, and shall remain and continue in full force.

§ 7. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1311.

AN ACT to incorporate the Second Baptist Church, in or near Cadiz, Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Second Baptist Church, near Cadiz, in Trigg county, Kentucky, be, and is hereby, incorporated as a place of "religious worship."

§ 2. That Joseph E. Dickerson, Isaac McReynold, Philemore White, Tandy Cunningham and Tempelle Tyler, and their associates, be, and they are hereby, incorporated a body politic and corporate, with power to sue and be sued ; and be such may contract and be contracted with ; may acquire and hold any lands and tenements not exceeding five thousand dollars in value, and goods and chattels of any kind, or money, which shall be purchased, given, granted or devised for the use of the said church ; and the same shall be known as the "Second Baptist Church of Cadiz," with perpetual succession.

§ 3. That the members of said church, at any regular church meeting, the time to be determined by a majority of the church members then present, from time to time, elect her board of trustees ; and said trustees are charged with the management of the church and grounds, and see that the same is protected and taken care of according to law of this Commonwealth ; and that said officers, or their successors, are empowered to eject and reject any disorderly person or persons from her midst that they may consider injurious to their peace and well-being when congregated on any and all occasions for her support and growth.

§ 4. The term of trustees shall be determined by said church ; also their mode and manner of filling vacancies in said board.

§ 5. That the said board shall consist of seven,

known as deacons of the church, and their chairman shall be such as required by the laws of said church, who shall preside over all meetings and give the casting vote only in a tie vote; they shall have a secretary, who shall keep a faithful record of their proceedings, and report monthly to the church.

§ 6. That a majority of the church present at a regular meeting may constitute a quorum to do business.

§ 7. This act shall take effect from its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1312.

AN ACT to incorporate Allmond's University School, Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Marcus B. Allmond, James P. Boyce and A. T. Allmond, alone or jointly, with not more than ten other persons by them appointed, if they shall so elect, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and title of "Allmond's University School," of Louisville, Kentucky; and by such corporate name may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; may have a perpetual succession, and make all by-laws necessary for the transaction of the business and for the government of the school, not inconsistent with the laws of the State and of the United States.

§ 2. Said corporation may have a capital stock of such amount as may be prescribed by the board of trustees, and, from time to time, the same may be increased to any amount, not exceeding the sum of fifty thousand dollars (\$50,000); but the said corporation may transact business without the subscription of said capital stock.

§ 3. The object of this corporation shall be the establishment of an institution of learning to promote the interests of education, and to afford instruction in the arts, sciences and polite literature to all who may desire to avail themselves of the facilities offered by said institution, under such regulations as its board of trustees may prescribe, and with such professors and teachers as the board may provide.

§ 4. Said corporation may receive, acquire and hold, by gift, purchase, lease, loan, devise or otherwise, money, books, pamphlets, periodicals, papers and minerals, or other personal property; also such real estate, in fee or for a term of years, as may be necessary or suitable for the establishment and conduct of said institution of learning, together with such library and museum as may be established in connection therewith; but said corporation shall not acquire more than one acre of real estate within the city of Louisville.

§ 5. The corporation may, for the purchase or improvement of real estate, or for its other purposes, from time to time borrow money; and, as a security therefor, may issue its interest-bearing bonds or promissory notes, to be secured by one or more mortgages upon its real estate or other property, and upon its franchises; but such mortgage debt shall not, at any one time, exceed twenty thousand dollars (\$20,000).

§ 6. This corporation shall have the power to confer such honorary degrees and diplomas as are usually conferred by incorporated literary institutions.

§ 7. The persons herein named and to be named as incorporators shall constitute the board of trustees of said incorporation, and as such shall exercise all its rights, powers and privileges. In case of death, resignation, refusal to act, or removal from the State of Kentucky of any of said persons, the vacancy so created may be filled by the remaining members of the board.

§ 8. This act shall be in force from passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1313.

AN ACT to establish justices' precinct No. 4, in Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that part of Hancock county designated and known as voting precinct No. 1, in said county, and known as Lain's or Easton's voting precinct, be, and the same is hereby, created and established a justices' and constable's district No. 4, in said county of Hancock.

§ 2. That it shall be the duty of the presiding judge of the county court of Hancock county to direct the sheriff of said county to hold and conduct an election for one justice of the peace and one constable for said district, at the next general August election. That it shall also be the duty of the said county judge to appoint one justice of the peace and one constable for said district No. 4, in said county, to qualify before entering upon the discharge of the duties of said offices as other justices of the peace and constables are required to do, and hold their respective offices until their successors are duly elected and qualified.

§ 3. That this act shall take effect from and after its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1314.

AN ACT to amend an act, entitled "An act to regulate the sale of spirituous, vinous and malt liquors in Allen county," approved April 22, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to regulate the sale of spirituous, vinous and malt

liquors in Allen county," approved April 22, 1886, be, and the same is hereby, amended as follows: By striking out the word and figures "December 6, 1886," in the eighth line of said section 1, and inserting in lieu thereof the words "the second Saturday of the month of December next following the date of said order."

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1315.

AN ACT to incorporate the Danville and Lancaster Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Yerkes, J. W. Proctor, J. A. Cheek, Corporators. W. J. Lyle, and W. L. Caldwell, of county of Boyle; and W. E. Walker, W. H. Kinnaird, Jas. Denny, and J. M. Higginbotham, of county of Garrard; and St. John Boyle and E. F. Madden, of county of Jefferson, all of State of Kentucky, their associates and successors, be, and they are hereby, incorporated and made a body-politic, under the name of the Danville Corporate name. and Lancaster Railway Company; and by that name shall have perpetual succession, and have and enjoy all the rights and privileges pertaining to similar corporations.

§ 2. The capital stock of said company shall consist Capital stock. of five hundred thousand dollars, divided into shares Shares. of the par value of one hundred dollars each, of which said capital stock then shall be issued such portion as may be determined by the board of directors of said company, and which may be sold or issued in payment of work done or material furnished in the construction of the company's road, at such prices and upon such terms as agreed on.

Directors. § 3. The affairs of the company shall be managed by a board of directors, consisting of not less than seven nor more than nine persons, who shall be stockholders, and one of whom shall be chosen to be president; and the said board of directors may elect a vice-president, a secretary and treasurer, and such other officers and agents as they may deem prudent, and prescribe the duties and fix the compensation of all officers.

General objects. § 4. The said company is authorized to construct, maintain and operate a railroad between the town of Danville, in Boyle county, and the town of Lancaster, in Garrard county, or point near the same, and transport for hire thereon passengers and freights; and may acquire, hold and dispose of all property, real or personal, necessary or proper for its purposes.

Right of way. § 5. The said company shall have the right to acquire the necessary right of way and land for depot and station purposes, and may condemn the same in the manner provided by law.

Garrard and Boyle counties subscribe stock. § 6. Any precinct or precincts of the counties of Garrard and Boyle, through or in which said road shall run, may subscribe to the capital stock of such company, upon such terms and conditions as may be agreed on, to a sum not exceeding the right of way in or through any such precinct or precincts. The county judge of either county shall, upon application of said company and ten tax-payers of any precinct or precincts in which the application is made, order an election to be held in said precinct or precincts, to take the sense of the qualified voters therein upon the question of making a subscription to the capital stock of said company, and the order for such election shall state the amount of the proposed subscription, and the terms and conditions thereof, and the day upon which such election shall be held, not less than twenty days from the date of such order; and notice of such election shall be given by publication in a newspaper published in Danville, when the election is to be held

Election.

Question.

in any precinct or precincts of Boyle county, or in a newspaper published in Lancaster when the election is to be held in any precinct or precincts of Garard county. The officers of such election shall be appointed, the election held, and the votes counted and returned, as in the election of county officers. If the judge of the county court in the county in which said election is held shall be satisfied that a majority of the votes cast were in favor of the subscription, he shall, in behalf of said precinct or precincts, enter an order making the subscription accordingly; and it shall be the duty of the judge of the county court of said county in which said subscription may be voted to levy taxes annually upon the property within the said precinct or precincts, subject to taxation for State purposes, sufficient to pay the principal and interest of the said bonds as the same may be due and payable.

§ 7. The subscription made as provided herein may be payable in bonds of the precinct or precincts, which may bear interest at any rate not to exceed six (6) per centum per annum, payable semi-annually, and which may be payable at such times and at such places as may be fixed therein; and the judge of the county court may cause proper bonds to be prepared and executed and delivered in payment of such subscription, according to the terms and conditions thereof. The bonds shall be signed by the county judge and the county clerk, and the coupons by the county clerk.

§ 8. The said company may lease to, or consolidate its properties, capital stock, rights, and franchises, with those of any other railroad corporation, or contract with any other such company for the operation of the road herein authorized, upon such terms as may be agreed on.

§ 9. The said company may borrow money, and may issue and sell its negotiable bonds to any amount it may deem expedient, payable at such time and place, and upon such conditions, as it may determine, bearing interest at a rate not to exceed six per centum per

Bonds bear
interest.

Borrow money
and issue bonds.

annum, payable semi-annually ; and to secure the payment thereof may execute and deliver a deed of trust, or mortgage, upon all of its railway property, rights, and franchises, acquired and to be acquired thereafter, with such conditions, covenants, and limitations as may be set forth therein, and which bonds may be assumed or guaranteed by any other railway company.

Open books.

§ 10. Any six of the incorporators herein named may open books and receive subscriptions to the capital stock of the said company, upon such terms and conditions as they may determine ; and whenever they shall have received subscriptions to an amount not less than five thousand dollars, they may call the subscribers together, who may thereupon elect a board of directors, and to transact any and all other business authorized by law.

§ 11. The said company shall begin work within two years from the passage of this act, and complete the same within four years.

§ 12. This act shall take effect from its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1316.

AN ACT repealing an act incorporating the town of Cherry Hill, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all acts or parts of acts incorporating the town of Cherry Hill, in Trigg county, be, and the same are hereby, repealed.

§ 2. This act to take effect from its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1317.

AN ACT to incorporate the Clifton and Crescent Hill Land and Building Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That David Frantz, Jr., John M. Letterle, M. K. Allen, E. R. Spurrier, John Drescher and R. W. Herr, or those of them who shall act, their associates, successors or assigns, be, and they are hereby, created a body-corporate, under the name and style of the Clifton and Crescent Hill Land and Building Company; in such name to have full power to contract and be contracted with, sue and be sued, in its corporate name; have a common seal, and alter the same at pleasure; to buy and hold real estate and personal property, and transfer, mortgage, sell, dispose and convey the same, loan and invest surplus funds, possessing the same power in all these respects as persons now enjoy; to enact and enforce by-laws, rules and regulations, concerning the corporation and its business.

§ 2. The principal place of business of this corporation shall be in the city of Louisville and county of Jefferson and State of Kentucky.

§ 3. The general nature of the business of this corporation shall be to acquire real and personal property by purchase, gift, devise or any other way, and to sell, convey and dispose of the same by sale or mortgage or otherwise; to loan and invest any surplus funds of said corporation; to erect buildings for residences or other purposes, on account of this corporation or other persons with whom it may contract from time to time.

§ 4. The amount of capital stock of this corporation shall be five hundred thousand (\$500,000) dollars, to be divided into five thousand shares, of the par value of one hundred (\$100) dollars each, to be subscribed

and paid for as follows, viz: Ten per cent on first call and two per cent. every thirty days thereafter ; but subscribers to the said capital stock may pay for the same in larger amounts and at earlier periods than those above-named.

§ 5. This corporation shall not commence the purchase, improvement or sale of real estate until bona fide subscriptions to its capital stock amounting to fifty thousand (\$50,000) dollars shall have been obtained.

§ 6. This corporation shall continue for thirty years, but it may close up its business at the end of fifteen years, by a vote of two-thirds of its capital stock in the affirmative.

§ 7. The affairs of this corporation shall be controlled by a board of directors of not less than five and not more than nine, as may hereafter be directed by the by-laws to be adopted by the stockholders of this company, the said directors to be elected annually from among its stockholders on the first Monday in each year; but the incorporators of this company shall constitute the first board of directors of this company until the first election by the stockholders.

§ 8. The directors shall elect a president, vice-president, secretary and treasurer, who shall conduct the business of this company, and employ and appoint and salary such other agents for said company as they see fit ; but more than one of these offices may be filled by the same person, if the board of directors shall so order. The treasurer shall give a bond for all money, notes and other valuables which may come into his possession, to be approved by the board of directors.

§ 9. It shall be the duty of the board of directors to carry into effect and enforce the by-laws of this company.

§ 10. The directors shall, once in every six months, make an investigation of the affairs of this company, and shall make a report through its president at the annual meeting in January to the stockholders. They

shall also, at such times as the business will admit, declare dividends on the capital stock of the company.

§ 11. The highest amount of indebtedness to which this corporation shall at any time subject itself shall not exceed its capital stock.

§ 12. The private property of the stockholders of this corporation shall be exempt from the debts of the corporation.

§ 13. The directors of this company shall have the power to allow a rate of interest not to exceed six per cent. per annum on all the paid-up capital stock.

§ 14. This act shall take effect from and after its passage.

[Became a law without approval of Governor May 1, 1888.]

CHAPTER 1318.

AN ACT to amend the laws relating to the public schools of the city of Newport, in the county of Campbell.

WHEREAS, It is made necessary, by reason of the Preamble. growth in population and territory of the city of Newport, in the county of Campbell, to provide an additional school-house therein, and to that end a lot suitable for that purpose; and whereas, it is likewise needful to provide for the payment of the bonds issued pursuant to an act, entitled "An act to amend the laws relating to common schools and academy of the city of Newport, Campbell county, and State of Kentucky," approved April 1, 1882; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purposes aforesaid, namely, the Issue of bonds. erection of an additional school-house in the said city of Newport, the purchase of a lot suitable for that purpose, and the payment at maturity of the bonds issued as aforesaid and still outstanding, the

board of education of said city is hereby authorized and empowered to issue bonds, of a denomination not exceeding one hundred dollars each, to the aggregate amount of fifty thousand dollars, payable in forty years, and at the option of said board of education, at any time after the expiration of twenty years from their date, such option to be expressed upon the face of said bonds; and they will bear interest at a rate not exceeding four per centum per annum, payable semi-annually, to be represented by coupons attached to the bonds. Said bonds shall be numbered in rotation, and shall be signed by the president of said board of education, and countersigned by the clerk of said board: *Provided, however,* That said interest coupons shall be signed by said clerk alone, and that said bonds and coupons shall be made payable at a place in said city of Newport, to be designated by said board of education, and expressed in the bonds themselves. Said bonds and coupons are hereby made exempt from taxation for local or municipal purposes, and may be sold or hypothecated for the purposes above-mentioned by said board of education.

Proceeds of
bonds, how dis-
posed of.

§ 2. Of the amount realized from the sale or hypothecation of said bonds, there shall be reserved a sum sufficient to meet the bonds issued pursuant to the act aforesaid, approved April 1, 1882, and still outstanding; which sum so reserved shall be applied exclusively to the payment of said outstanding bonds, in accordance with the provisions.

Security for
bonds.

§ 3. That all the property held by the board of education of said city of Newport, including the lot acquired pursuant to this act, together with the school-house to be erected thereon, and so much of the special tax now levied and authorized to be levied by the city of Newport for the benefit of the common schools and academy of said city, is hereby pledged for the payment of the principal and interest accruing on said bonds. And the said board of education is hereby required to set apart each year, out of the

special tax levied by and received from the city of Newport for the benefit of the common schools and academy of said city, the sum of three thousand dollars, until the principal and interest of said bonds shall be fully paid: *Provided, nevertheless,* That until the now outstanding bonds, issued as aforesaid, under and pursuant to said act of April 1, 1882, shall have been fully paid, the said annual sum of three thousand dollars shall not be applied or used otherwise than as directed by section 2 of said act, above referred to.

§ 4. This act shall take effect from and after its passage; but the bonds provided for herein shall not be issued unless and until a majority of the qualified voters of the city of Newport, voting at a general city election, shall vote in favor of issuing said bonds.

Approved April 30, 1888.

CHAPTER 1319.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Democratic Club," approved March 15, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In lieu of section 2 of said act, it is enacted that the capital stock of the corporation shall not exceed one hundred thousand dollars, divided into shares of ten dollars each; and said stock may be transferred by the consent of the club, on the books of the corporation, in the manner prescribed by the by-laws, and not otherwise.

§ 2. Section 2 of said act is hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1320.

AN ACT to incorporate the Osceola Club, of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That W. N. Sweeney, Hunter Wood, Chas. S. Walker, P. T. Watkins, John Wandling, R. S. Triplett, J. A. Fuqua, J. N. Marks, Geo. V. Triplett, Chas. H. Todd, M. P. Mattingly, Sam. V. Walden, Alex. C. Tompkins, Henry P. Tompkins, Tyler McAtee, Jas. H. Hickman, Henry Herr, Roy Hathway, Geo. A. Williams, A. J. Mitchell, their associates and assigns, are hereby empowered and authorized to associate themselves into a body corporate for purposes of social pleasure, and adopt the following articles of incorporation:

Names of incorporators.

§ 1. The name of the corporation shall be the Osceola Club, and its location shall be in Owensboro, Daviess county, Kentucky.

Name and location.

§ 2. The amount of the capital stock shall be ten thousand dollars, divided into shares of fifty dollars each, but may be increased to the sum of twenty thousand dollars. A person becoming a member of the club, and no other, shall be entitled to one share of stock, which shall be paid by his initiation fee. Said stock shall not be transferable by act of party or by operation of law, and shall revert absolutely to the club on such person ceasing to be a member, whether by death, resignation or otherwise. No person shall hold more than fifty dollars in the stock of the club, and shall be allowed to cast but one vote as a stockholder.

Capital stock.

§ 3. No person shall be eligible as a member unless a person of good moral character and over the age of twenty-one years. The initiation fee shall be fifty dollars, and the monthly dues not exceed two dollars and fifty cents.

Eligibility of members.

§ 4. Whenever one thousand dollars shall be subscribed, and twenty persons may enroll their names as members of this club, then said persons are authorized to elect a president, and all other officers for the club, and make such rules, regulations and by-laws as may be necessary to successfully carry out the intentions of this organization.

§ 5. The board of directors shall have all such pow- Powers of board.
ers as may be necessary, in any and every manner, for the successful organizing, carrying on this club, including the paying of fines, forfeitures, penalties and expulsions. But they shall provide for appeal to the club, on the part of any member it may decide to expel, and its decisions on such questions shall be subject to a reversal by a majority vote of the members present at the meeting which considers same.

§ 6. Besides such special meetings as may be called Called meetings.
by the board of directors, the secretary shall, at the written request of five members, designating the object of the meeting, call a meeting of the club, and at such meeting any rule or regulation established by the board of directors may be vacated by a vote of a majority of the members present, or any officer or director named in the call may be removed from office by a vote of two-thirds of the members present, and the place supplied by a vote of a majority of those present. A notice posted by the secretary, in a conspicuous place in the club, for ten days, designating the time, place and object of the meeting, shall be a valid call for same.

§ 7. This incorporation may acquire real estate or other property, by purchase or donation, and may sue Power to hold real estate.
and be sued, plead and be impleaded, in any of the courts of this Commonwealth; use a common seal, and alter or amend same if necessary. Private property of the stockholders shall not be liable for the corporate debts.

§ 8. No open bar shall be kept in the club house, Bar and games.
and each member shall pay for himself only, no mem-

ber being allowed to be served to any thing in the club-house at the expense of another, except in company with an invited guest. Betting and gambling of every kind are prohibited at all times, and no games of cards or other games shall be played for money or its equivalent therein, nor shall any games whatever be played in the club house between the hour of closing on Saturday night and the hour of opening on Monday morning. No raffle shall be permitted in the club-house, nor shall any subscription paper be posted therein, nor subscription for any purpose whatever be solicited from the members in the club rooms.

§ 9. At no time shall the indebtedness of the said corporation exceed in amount one-fourth of its paid-up capital stock. The existence of said corporation shall begin the first day of September, 1838, and extend twenty-five years.

Limit of indebtedness.

Approved April 30, 1888.

CHAPTER 1321.

AN ACT to amend an act, entitled "An act to provide for the better repair of turnpike roads in Henry county," approved April 1, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to provide for the better repair of turnpike roads in Henry county," approved April 1, 1882, be, and the same is hereby, amended as follows, to wit: That after the word "repair," in the fourth line of section first, and before the word "describing," in said line, there is inserted the following words, to wit: "Less than eighteen feet wide, well rounded up, or less than ten inches in depth of stone well laid, twelve feet wide, and macadamized so as to pass through a two and one-half inch ring, or has a grade over four degrees." After the word "repair," in the fourth line of the

second section of said act, and before the word "be" in said line, there is inserted the words "as provided in the first section of this act;" and after the word "repair," in the last line of said section, there is inserted the words, to wit: "The grade eighteen feet wide, well rounded up, with ten inches of stone well laid, twelve feet wide, and macadamized so as to pass through a two and a half inch ring, and with a grade of not over four degrees."

§ 2. There shall be stricken from the first line of the third section of said act the word "ninety," and in lieu thereof is inserted the word "thirty," and after the word "repair," in the second line of said section, there is inserted the following, that is: "Less than eighteen feet wide, well rounded up, or less than ten inches in depth of stone well laid, twelve feet wide, and macademized so as to pass through a two and one-half inch ring, or has a grade over four degrees." And after the word "repair," in the third line of said section, there is inserted the words: "As provided in the second section of said act as amended hereby."

§ 3. All of section 6 of said act is hereby repealed.

§ 4. This act shall take effect and be in force from its passage.

Approved April 30, 1888.

CHAPTER 1322.

AN ACT to confirm and quiet certain land titles in this Commonwealth, applicable to the county of Pulaski only.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any patent that has been here- Survey of lands. tofore, or may be hereafter, issued by this Commonwealth, is void for any reason except that the land is covered by a prior patent, that patentee, or those claiming under him, may, at any time within three years from the passage of this act, cause to be made and

filed in the office of the Register of the Land Office a survey of said lands by metes and bounds, excepting the portions mentioned in the next succeeding section; or whenever any patent is void by reason of the grant reciting that there are lying within the exterior boundaries described therein lands which, by any form of words, are excluded from or excepted out of the grant or operation of such patent, which excluded lands are not identified or described with certainty sufficiently to locate them, any person claiming title by or through such grant may, within the period of time aforesaid, survey the exterior boundaries of such grant, and file with the Register of the Land Office a survey and plat or map of said lands, describing by metes and bounds the lands excluded from the operation of said grant, and the portion thereof mentioned in the next succeeding section. In either case, the person or persons filing such survey and plat shall be entitled to have issued to him or them, in lieu of the original grant, a new patent or patents for said land, which shall contain a description of the exterior lines of the original grant, and a description in general terms of the lands excluded, as well as the lands held by those mentioned in section 2 in this act, referring to the survey and plat for particular description. Said new patent shall give the date and number of the original grant, and shall be operative as of the date of the original grant: *Provided, however,* That before such new patent shall issue, the person or persons entitled to the same shall make it appear to the Register of the Land Office that all the taxes due the State upon such land have been paid up to the time of filing said survey and plat.

Validity of re-patents.

§ 2. Whenever lands embraced by such void patents have been re-surveyed and re-patented before the eighth day of March, 1881, pursuant to the provisions of statutes regulating the proceedings for issuing patents upon surveys of two hundred acres or under, such re-patents first issued are hereby declared valid,

and the land covered by them shall not be surveyed or patented under the provisions of section one (1) of this act; and whenever any person has, in good faith, settled upon any lands embraced in said void patents, and has resided thereon previous to March 1, 1888, he shall be entitled to hold one hundred acres of said land as a homestead, to be laid off, as near as may be, in a square around his improvements; and he may obtain a patent for the same from the land office, and the same shall not be surveyed under the first section of this act; or if such settler, or those under whom he claims, has a patent from the Commonwealth of Kentucky for the land upon which he resides, he shall be entitled to the number of acres within such patent, not exceeding two hundred; and whenever any person has held adverse possession for fifteen years of any part of the lands embraced in such void patents, the lands so held shall not be surveyed under the provisions of section one (1) of this act, and such persons may take out a patent for the same.

§ 3. The survey provided for in this act shall be done by the surveyor of the county where the land, or the greater part thereof, lies, or by a competent surveyor appointed by the county court, who shall first take an oath to faithfully perform his duty under this act. Before commencing the survey he shall give notice thereof in writing to all persons whose lands are excepted by the second section of this act, residing in the county, and to those residing elsewhere, so far as known to him.

Survey, by
whom to be
made.

§ 4. The claimant filing the survey under section 1, if he be not the original patentee under the void patent, shall also file therewith a chain of title in the Register's Office, showing his connection with the original patent.

Chain of title.

§ 5. Caveats may be filed in the same manner, and the same proceedings may be had thereon, in respect

Caveats.

to the issuance of the patents provided for by section 1, as are now allowed by law in regard to other patents.

§ 6. This act shall apply to lands lying in the county of Pulaski only, and shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1323.

AN ACT to incorporate the Kentucky Pharmaceutical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. W. Fowler, Wiley Rogers, E. C. Pfingst, R. J. Snyder, John Colgan, J. J. Wood, Peter Nodler, W. C. Chapman, W. S. Johnson, William Turner, George Fitzgerald, W. B. McRoberts, J. J. Brooks, S. C. Kirkpatrick, E. B. Walthall, J. U. Rogers, G. E. Gaither, J. L. James, Henry A. McGill, T. B. Wood, C. S. Porter, and their successors, associates and assigns, be, and they are hereby, constituted and declared a body-corporate, under the name and style of the Kentucky Pharmaceutical Association, and by that name and style they are invested with all the powers incident to corporations, and they shall continue and have perpetual succession ; and by that name and style may contract and be contracted with, sue and be sued, buy and hold personal and real estate, plead and be impleaded with ; may have and use a common seal, and alter the same at pleasure ; and may establish and ordain such by-laws and regulations as may be necessary for the well-being and government of said corporation, not contrary to the laws of this Commonwealth or of the United States.

§ 2. The object of the corporation shall be to unite the educated and reputable pharmacists and druggists of the State of Kentucky in the following objects :

1. To establish the relations between them and the physicians, and the people at large, upon just principles, which shall promote the public welfare, and tend to mutual strength and advantage.

2. To improve the science and art of pharmacy, by diffusing scientific knowledge among pharmacists and druggists, fostering pharmaceutical literature, developing talent, stimulating discovery and invention, and encouraging home production and manufacture in the several departments of the drug business.

3. To regulate the system of apprenticeship and employment of assistants, so as to prevent, as far as possible, the evils flowing from deficient training in the responsible duties of preparing, dispensing and selling medicine.

4. To secure the enactment of such laws as will be of mutual advantage to the profession and public, suppress empiricism, and as much as possible to restrict the dispensing and sale of medicines to competent druggists.

§ 3. The amount of the capital stock shall be ten thousand dollars, divided into shares of two dollars each. A person who is elected a member of the association, and no other person, shall be entitled to one share of stock, which shall be paid for by his initiation fee. Said stock shall not be transferable by act of the party or by operation of law, and shall revert absolutely to the association when such person ceases to be a member, whether by death, resignation, expulsion or otherwise. No person shall hold more than one share of stock, or be entitled to record more than one vote.

§ 4. Members of the association shall be such persons as are elected in the manner prescribed by the by-laws and pay the initiation fee. The qualifications of members may be fixed by the by-laws; but no person may become a member unless twenty-one years old, and of good character, and a competent pharmacist or druggist in the State of Kentucky, whether in

business on his own account, retired from business, or employed by another. The initiation fee shall be not less than two dollars, but, subject to that limitation, the board of directors or the by-laws shall fix the amount of the initiation fee and fines and dues.

§ 5. At a meeting of the association to be held on the second Wednesday in May, 1888, and annually thereafter, the members of the association shall elect the following officers: President, first vice-president, second vice-president, third vice-president, recording secretary, corresponding secretary, and treasurer. Said officers shall be elected by ballot, and shall continue in office until their successors are duly elected and qualified. The by-laws shall fix the duties and powers of said officers, the times when the association or directors shall meet, the order of exercises, the rights and duties of members. In addition to the officers mentioned above, the members of the association shall elect six directors annually. The board of directors shall be the governing body of the association; shall have power to fill vacancies of officers or directors for the unexpired term, and to make and enforce all necessary rules and regulations, including the fixing and enforcing of dues, fines, penalties, forfeitures, and expulsions; but it shall provide for an appeal to the association on the part of any member whom it may decide to expel, and its decision on such questions shall be subject to reversal by a majority vote of the members present at the meeting which considers it. The president of the association shall be *ex officio* a member of the board of directors. The board of directors may elect honorary members of the association at such times and on such terms as may be provided by the by-laws. There shall be a regular meeting of the association on the second Wednesday in May each year, and such special meetings as the board of directors may call. At any such meeting any rule or regulation established by the board may be vacated by a vote of a majority of the mem-

bers present; or any officer or director named in the call may be removed from office by a vote of two-thirds of the members present, and the place supplied by a vote of a majority of those present.

§ 6. Private property of the members of the association shall not be liable for its debts, and the association shall, at no time, be indebted in an amount exceeding six thousand dollars.

§ 7. The corporation shall begin at once, and endure for fifty years.

Approved April 30, 1888.

CHAPTER 1325.

AN ACT to amend an act, entitled "An act to repeal the charter of the city of Henderson, and the acts amendatory thereto, and to reincorporate the said city of Henderson," approved April 9, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to repeal the charter of the city of Henderson, and the acts amendatory thereto, and to reincorporate the said city of Henderson," approved April 9, 1888, be, and the same is hereby, amended, as follows, viz: By striking out of section one (1), article one (1), of said act, after the words "the Henderson and Zion Gravel Road," the following words: "thence in a straight line north eleven degrees thirty-five minutes west to the dividing line of the ten-acre lots, numbers four and five; thence with the dividing line of said lots north seventy-one degrees west to low-water mark on the Ohio river, on the Indiana shore," and inserting and enacting in lieu thereof the following words, viz: "Thence in a straight line in a northern direction to the southern corner of ten (10) acre lot number four (4), the same being also the eastern corner to ten (10) acre lot number 5; thence in a north-western direction, and with

the division line of said lots, in a direct line to the east line of the water-works property; thence in a north-eastern direction, and with said water-works line, to the northern corner of said water-works property; thence in a north-western direction, and with the north line of said water-works property produced, to a point at low-water mark on the Indiana shore of the Ohio river."

§ 2. That section fifteen (15), article three (3), of said act be, and the same is hereby, amended by inserting and enacting the words "fines and" immediately after the word "adequate," and before the word "penalties," about one or two lines from the close of said section. That section ten (10) of article five (5) of said act is hereby amended by inserting and enacting, after the words "city court in name of," the following words, viz: "The Commonwealth of Kentucky." That section thirty-three (33) of article six (6) of said act be amended by striking out the words "who is not," immediately after the word "and," and immediately before the words "a bona fide resident." That section fourteen (14) of article seven (7) be amended by striking out of said section fourteen (14) the provision therein requiring the city tax collector to enter upon the discharge of his official duties on the first Monday in September, 1889, next after his election, and hold his office for two years from the said first Monday in September; and by striking out of said section fourteen (14) the provision therein requiring the said collector to enter upon the discharge of his official duties on the first Monday in September following his election at the general election on the second Monday in August in each year, and holding his office for two years from the said first Monday in September; and instead, and in lieu of said provisions, it is herein enacted that the city tax collector shall qualify and enter upon the discharge of his official duties as tax collector upon the first day of July next after his election in August, and hold his office

for two years from the said first day of July and until his successor qualifies ; but said city tax collector shall not qualify until he executes his bond as is required in the act to which this is an amendment. The striking out of the aforesaid provisions in said section fourteen (14) is not in any way to interfere with, or affect, the provisions of said section fourteen (14) as to any other of the officers mentioned therein. That section one (1) of article ten (10) of the act aforesaid be amended by striking out the words "eight-tenths of one per cent.," wherever they occur in said section one (1), and inserting and enacting in lieu thereof the following words: "eighty-five one hundredths ($\frac{85}{100}$ of) one per cent." That section two (2) of article ten (10) be, and the same is hereby, amended so as to authorize the common council of said city, for the year 1888 only, to appoint the board of supervisors of tax in the month of May instead of the last meeting in March.

§ 3. This act shall be in force and take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1326.

AN ACT to amend the charter of the Supreme Council Catholic Knights of America, approved April 1, 1880, and to repeal the act amendatory thereof, approved March 6, 1888 (chapter 709).

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Supreme Council Catholic Knights of America, approved April 1, 1880, be amended by striking out section 2 of said act, and inserting in lieu thereof the following as section 2, viz:

§ 2. The object of the corporation shall be to unite fraternally all acceptable Catholics of every profession, business and occupation ; to give all possible moral

and material aid in its power to members of the organization, by holding instructive and scientific lectures; by encouraging each other in business, and by assisting each other to obtain employment; to establish and maintain a benefit fund, from which a sum, not to exceed five thousand dollars, shall be paid at the death of each member to his family, or be disposed of as he may direct; but the death benefit shall be limited to the assessment *per capita* until such assessment reaches five thousand dollars or more; to establish and maintain a sinking fund and a fund for the relief of sick and distressed members, and to establish and maintain a circulating library of useful and instructive books for the use of the members of the association.

§ 3. That the act to amend the charter of the Supreme Council Catholic Knights of America, approved March 26, 1888, be, and the same is hereby, repealed.

§ 4. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1327.

AN ACT to amend the charter of Cave Hill Cemetery.

WHEREAS, The city of Louisville, about the year 1870, by extending East Broadway beyond Baxter avenue through the land of the Cave Hill Cemetery Company, cut off from the body of such land a small triangular lot at the intersection of East Broadway so extended with Baxter avenue, opposite to the entrance to the cemetery grounds, which lot by such severance was made unfit to be used for cemetery purposes; and whereas, the Cave Hill Cemetery Company, for the purpose of beautifying the said entrance to its cemetery, by its lease of January 13, 1887, has leased the said lot to the rector and war-

dens of the Church of the Advent of the Protestant Episcopal Church for the term of ninety-nine years, on condition that they would erect thereon a church edifice of ornamental design and construction, and would occupy the said lot for the purposes of the parish of the Church of the Advent and not otherwise; and whereas, the said church has been erected, and the said rector and wardens desire to change their said leasehold of ninety-nine years into the fee simple title to the said lot:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Cave Hill Cemetery Company be, and it is hereby, so amended as to authorize its board of managers to convey, for such a consideration as may seem fit to them, to the rector and wardens of the Church of the Advent of the Protestant Episcopal Church, the fee-simple title to the lot already leased to them by the said board for the term of ninety-nine years; the conveyance of the said fee-simple to be upon the condition inserted therein, that the said lot shall never be used for any secular purpose.

§ 2. This act shall take effect at its passage.

Approved April 30, 1888.

CHAPTER 1328.

AN ACT to amend the charter of the Kentucky Title Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Kentucky Title Company be, and the same is, so amended that promissory notes, payable to any person or persons or to a corporation, and payable and negotiable at the office of said company in Louisville, Kentucky, which shall be

indorsed to or discounted by any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, or be discounted by said company, shall be, and they are hereby, placed on the same footing as foreign bills of exchange.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1329.

AN ACT authorizing the clerk of the Mason county court to make new indexes, direct and cross, to deeds and mortgages in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the clerk of the county court for the county of Mason, whenever ordered by the county court of claims to perform the following work, or any part thereof, be, and is hereby, authorized to make general, direct and cross, indexes to all deeds and mortgages of record in said office, in well bound books, to be provided and paid for as other record books of the county are paid for, and to be indexed by a system that the records may be searched and made more convenient, and indexed under all parties' names, the same having not been so done in the older deeds in said office.

§ 2. The clerk of said court, and his successors in office, shall thereafter continue to keep up said indexes as fast as deeds are recorded in said office:

§ 3. The clerk of the Mason county court shall receive for his services, to be rendered under the first section of this act, a compensation therefor, to be fixed by the county court of claims of Mason county, to be paid out of the county levy.

§ 4. That the compensation for the aforesaid work shall be paid quarterly as the work progresses, and shall be allowed and paid by the warrant of the judge on the county treasurer, the same as all just claims against the county of Mason are paid.

§ 5. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1330.

AN ACT in relation to injuries done by trespassing stock in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Whenever any stock shall trespass upon lands owned or in the possession of any person, the owner of such stock shall be liable to such owner or possessor of said land for all the damages caused by such trespass: *Provided, however,* That where trespasses occur over division fences, then the owner of stock so trespassing shall not be liable unless such trespass occur over that part of division fence belonging to or in possession of the owner or occupant of land from whence the stock so trespassing came.

§ 2. This act shall apply only to Mason county.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1331.

AN ACT, entitled "An act to amend section five of an act to organize and establish a system of public schools in the city of Owensboro for white children for said city."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section five of an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city," be amended to read as follows: The said trustees so elected shall take an oath faithfully to discharge their duties, and shall, within one month after election, meet and organize; and if any of said trustees shall, at any time, enter the school-house yards or buildings, and shall insult or abuse the teachers or principals or superintendent of the said schools, or otherwise disturb the schools, he may, by the concurrence of two-thirds of said trustees, be expelled from the school board, and shall not serve in the capacity of trustee of said schools after such action.

Approved April 30, 1888.

CHAPTER 1332.

AN ACT authorizing the presiding judge of the Nicholas county court to make appropriations on behalf of the county to aid in the construction of bridges in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for, and the presiding judge of the Nicholas county court is authorized and empowered, and may, if he shall deem it expedient to do so, to make appropriations to aid in the purchase and erection of iron bridges, one to span Brushy Fork creek, at the point where the Carlisle and Jackstown

Turnpike Road (lower route) crosses said creek, and one at the point on said creek where the Carlisle and Plum Lick Turnpike Road crosses it, and levy a tax upon the taxable property of said county to pay the same: *Provided*, That the amount appropriated by said county court (the presiding judge constituting said court) for said purpose shall not exceed the sum of six hundred dollars (\$600) for either bridge: *And provided further*, That such appropriations or either of them shall not be made until satisfactory proof is made to said court that a sufficient amount of money has been secured or provided, with the aid of such county appropriation, to procure and substantially put up said bridges or bridge.

§ 2. It shall be the duty of the presiding judge of the Nicholas county court to appoint two commissioners, for and on behalf of the Nicholas county court, one for the lower and one for the upper bridge, whose duty it shall be to receive such appropriations or appropriation, and to see that the county money is judiciously expended and paid over in pursuance to the objects or object contemplated by this act.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1333.

AN ACT to incorporate the Hodgenville and Glasgow Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. C. Trigg, J. S. Caldwell, J. P. Nuckols, Clarence Wood, John Lewis, W. L. Porter, Lewis McQuown, Joseph W. Smith, C. T. Cheek, J. F. F. Jewell, John Ritter, James Mitchell, W. B. Smith, W. W. Smith, F. S. Page, L. W. Cardin, H. M. Ped-

Names of incorporators and corporate powers.

igo, James B. Martin and John W. Jones, of the county of Barren; D. A. Alscheler, Wm. Adair, H. B. Lane, Thomas Jackson, W. T. Pedigo, W. C. Ferguson, P. C. Sutphin, W. W. Bowling, Paul Savage, Henry Burke, Henry Carle, Jerome Smith and W. M. Brown, of the county of Hart; T. W. Twyman, Jacob Hubbard, Jacob Hodges, Ben. Morris, W. B. Tucker, L. L. Larue, Philip Dunn, W. H. Hamilton, Michael Morgan, B. T. Hargan, T. P. Howard, S. C. Kirkpatrick, H. M. Mather, W. E. Rodman, D. H. Smith, Geo. H. Thurman, of Larue of county, their associates and successors, be, and are hereby, created a body-corporate and politic, under the name and style of the Hodgenville and Glasgow Railroad Company, with perpetual succession; and shall have power to contract and be contracted with, sue and be sued; have and use a common seal, and the same to alter or renew at pleasure; and to have and exercise all the powers common to such corporations; they shall have power to construct, maintain and operate a railway, with single or double track, from the town of Hodgenville, in Larue county, to Glasgow, in Barren county.

Affairs, by whom managed. § 2. The affairs of said company shall be managed and controlled by a board of five directors, to be elected by the stockholders, in such time and manner as may be prescribed by the by-laws of said company.

Capital stock. § 3. The capital stock of said company may be fixed by the board of directors of said company, but shall not exceed in amount a sum necessary to build and equip the railroad contemplated by this act. It shall be divided into shares of one hundred dollars each, and shall be held to be personal estate.

Rights of way. § 4. That where any lands or rights of way, stone, earth, gravel, or timber may be required by the said company for the uses and purposes of constructing their road, and for want of agreement as to the value thereof, or any other cause, the same can not be purchased from the owner or owners thereof, the same

may be condemned according to the provisions of an act approved April 1, 1882.

§ 5. The said company is hereby given power and authority to borrow money and create indebtedness, and to secure the same is authorized and empowered to issue the bonds of the company, bearing a rate of interest not exceeding six per centum per annum, payable at such times and places as they may deem expedient; and may execute mortgages or deeds of trust upon any or all of the property, rights and franchises of the company.

§ 6. Whenever it shall be necessary for the construction of the said railroad to intersect or cross any stream of water or water-course, or any road or highway lying in or across the route of said road, it shall be lawful for the company to construct the railroad across or upon the stream or road; but the corporation shall restore the stream or water-course, or road or highway, thus intersected to its former state, or in a sufficient manner not to impair its usefulness; and if said company, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficulty of construction or procuring right of way at a reasonable cost, or whenever a better and cheaper route can be had, it shall have authority to vary the route and change the location.

Intersection with
other roads and
streams.

§ 7. The said company may construct telegraph lines along the main road, or any branch, and keep batteries at such points or places as they may deem proper, and make such connections with other lines as may be desired.

Telegraph lines.

§ 8. That the said company shall be, and is hereby, authorized and empowered, by the vote of the holders of a majority of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase or lease any railroad or railroads connecting with it, or that may be made connecting roads, or to consolidate the said company

Purchase and
lease of other
roads

with any company controlling or owning such roads; or to subscribe to or for the capital stock, in whole or in part, of such roads. In the event of the purchase of or a subscription to, or for stock in any such road or roads as herein authorized, the Hodgenville and Glasgow Railroad Company shall be, and is hereby, authorized to pay for the same in money, stock or bonds; and in order to make provision therefor, the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of a majority of the capital stock thereof, to increase its capital stock, or to issue bonds in the amount sufficient to pay for the same, payable at any period not exceeding thirty years after the date thereof; said bonds may be made payable in our out of Kentucky, and shall bear an annual interest not exceeding six per cent. per annum, payable semi-annually, and may be sold for less than par, if deemed advisable by the company. To secure the prompt payment of said bonds, the company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights and credits of said corporation, and pledge the same as a security for said loan or bonds.

Rates.

§ 9. The Legislature reserves the right to regulate the rates of freights and passage over the said road hereby incorporated, or any road that it may purchase, lease, operate or acquire; and to amend or repeal this charter, or the charter of any road bought, leased, operated or acquired by it.

Work, when to
be commenced.

§ 10. This act shall be void and of no effect unless the said road shall, in good faith, be commenced within three years, and be completed within five years from the passage of this act; and this act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1339.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Street Railway Company," approved February 18, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 4 of chapter 63 of the laws of Kentucky, passed at the session of 1885-86 of said General Assembly, said chapter 63 being entitled "An act to incorporate the Henderson Street Railway Company," approved February 13, 1886, be amended by striking from the second line thereof the word "seven," and substituting the words "not less than three nor more than nine."

§ 2. That this act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1340.

AN ACT to amend an act, entitled "An act to provide for the reorganization, maintenance and supervision of common schools in the town of Louisa and vicinity, which became a law April 16, 1886."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 14 of an act, entitled "An act to provide for the reorganization, maintenance and supervising of common schools in the town of Louisa and vicinity, which became a law April 16, 1886," be, and the same is hereby, amended by striking out of the fourth line of said section the word "fifty," and insert in lieu thereof the words "twenty-five."

§ 2. This act to take effect from its passage.

Approved April 30, 1888.

CHAPTER 1341.

AN ACT to incorporate the Winchester Fire Department.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. A. Attersall, George Richter, G. W. Beihn, J. P. Conway, F. P. Pendleton, W. P. Winn, W. H. Hawkins, C. W. Parrish, and their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of The Winchester Fire Department; and by that name may sue and be sued, contract and be contracted with, plead and be impleaded, and do such other acts as are hereinafter provided, not inconsistent with the laws of the Commonwealth of Kentucky or any by-laws and ordinances of the town of Winchester.

§ 2. The officers of said department shall consist of a chief (who shall be *ex officio* chairman of said department), an assistant chief, an engineer, assistant engineer, fireman, secretary, treasurer, and such other officers as may, from time to time, be elected or appointed under the by-laws to be enacted by said department; the chief, assistant chief, engineer, assistant engineer, and fireman to be elected by the board of councilmen of the town of Winchester, on the first Friday in June of each year; all other officers of said department to be elected according to the by-laws to be enacted by it.

§ 3. Said department shall have the power to establish and maintain a library for the use of its members, and for such purpose may acquire and hold donations or subscriptions of books, periodicals, furniture and fixtures, and other personal property, to be controlled and managed by five managers, to be elected according to the by-laws to be enacted by said department.

§ 4. That said department shall have the power to set aside from any funds on hand, and hold the same

for the benefit of any or all persons (members of said department) who may, by accident or other cause, be disabled or injured while in the discharge of duty as members thereof, said fund to be controlled and managed by three trustees elected by said department according to the by-laws to be enacted by it.

§ 5. That said department may, for the purposes above stated, acquire and receive subscriptions, donations and contributions of personal property to an amount not exceeding ten thousand dollars.

§ 6. Said department may, by a vote of a majority of its members at a regular meeting, transfer from any fund it may have on hand to the managers of the library, or to the trustees of the fund set apart for the relief of injured or disabled members, such sum as it may deem proper.

§ 7. Said department shall have a common seal, and have power to enact such by-laws for its government as a majority of its members may deem proper, not inconsistent with the laws of the Commonwealth of Kentucky or the by-laws and ordinances of the town of Winchester.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1342.

AN ACT to provide for the election and in part to define the duties of a mayor, board of councilmen and school trustees of the city of Frankfort, and to provide for the establishment of a board of commissioners to control the police and fire departments thereof, and to define their duties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The chief executive officer of the city of Frankfort shall be styled the mayor, and shall be elected on the first Saturday in December, 1888, and every three

years thereafter, by the legal voters of said city having the same qualifications as an elector to vote for Representative, and shall serve until his successor is qualified ; and shall be ineligible to that office for the ensuing three years, unless the people shall decide otherwise as provided in section 7. No person shall be mayor who has not attained the age of thirty years, is not a qualified voter of the city, and who has not been a resident thereof for five years next preceding his election ; who is not a *bona fide* owner of real estate in said city at the time of his election ; who holds any other civil office, or is directly or indirectly interested in any contract with said city as principal or surety ; and if, after election, he becomes so interested, or an applicant for such contract, or a candidate for any office or agency, his office shall thereby become vacant, and the board of councilmen shall so declare and fill the vacancy.

§ 2. The mayor shall commence the execution of his office on the first Tuesday in January succeeding his election. He shall receive for his services not less than five hundred nor more than one thousand dollars per annum, payable quarterly out of the city treasury, the amount to be first fixed by the board of councilmen. He shall, from time to time, give the board of councilmen such information of the state of the corporation, and such suggestions as he may deem proper or they may require ; and he may recommend to them such measures as he may deem important for their consideration. He shall exercise a general supervision over all the executive and ministerial officers of the city, and see that their official duties be honestly performed ; and may require from them statements in writing concerning the discharge of said duties. He shall take care that the laws, ordinances and resolutions of the city are faithfully executed, and shall perform such other duties, not inconsistent with the city charter, as may be required by ordinance or resolution. He shall be head

of the police of the city, and may command them in the performance of their duty ; and when deemed by him necessary to enforce the laws, or arrest calamity, or save life or property in case of danger, he may order into service any of the citizens, either civil or military, and in such cases he shall be present and command in person ; and the board of councilmen shall prescribe suitable fines and penalties for disobedience of his orders on such occasions. Except on adjournment, or approval of a contract theretofore approved by the mayor, every proposed ordinance or resolution which has passed the board of councilmen shall be presented to the mayor, and if he approve, he shall sign it, and then it shall be obligatory ; but if he disapprove, he shall return it, with his objections in writing, and the said board of councilmen shall then reconsider the same, and if two-thirds of the members elect concur in adopting it again, it shall be obligatory ; but in such cases the votes shall be taken by yeas and nays, and recorded in the journal ; should he withhold a proposed ordinance or resolution beyond the day for the next regular meeting, and the board of councilmen actually meet, if three days have intervened between the presentation to the mayor and such meeting, it shall be obligatory as if signed. For special reasons the mayor may convene the council at any time.

§ 3. The mayor shall have the same power to administer oaths or affirmations that justices of the peace and other judicial officers of this Commonwealth have ; and persons violating such oath or affirmation shall be subject to the penalties prescribed by law for violating such oath or affirmation, if taken before any judicial officer. Should the mayor be temporarily disabled for discharging his duties, or the office become vacant before the expiration of his term, the said council shall elect a mayor *pro tem.*, who shall discharge the duties of the office during the continuance of the disability, or until a mayor has been elected and qualified as pro-

vided by this act; the council shall allow such compensation to the mayor *pro tem.* as they may deem right, not exceeding, in proportion, the salary of the mayor, and may, if they think it just, deduct the amount, in whole or in part, from the salary of the mayor.

§ 4. At the next election for city officers there shall be elected by the voters of said city, having the same qualifications to vote as provided by law for the election of a Representative, nine councilmen, three councilmen to be elected from each ward of said city, and to be voted for by the qualified voters as above provided of the respective wards from which they are returned; and said councilmen shall reside in and be bona fide owners of real estate in the respective wards which they represent. The board of councilmen shall elect one of their number president, who shall preside at the meetings of the board, and have such powers, duties and responsibilities as the said board may think just and proper; and they shall not be eligible for two successive terms unless the people decide otherwise, as provided in section 7 of this act. The board of council, when elected and duly qualified, shall at their first regular meeting nominate nine men (not city officers), who shall be bona fide owners of real estate in the city of Frankfort, and submit their names to the mayor, who shall select from their number four men, who, together with the mayor, shall be a commission to control the police and fire departments, and hold office for two years without compensation; and they shall take the same oath as the council, and in the same manner; and the said commissioners shall have power to remove for cause, and fill vacancies in the police and fire departments. It shall be the duty of said commissioners to appoint police and firemen of the city of Frankfort, and they shall adopt such rules and regulations as they may deem proper for the government of the police and fire departments in carrying

out the ordinances of the city of Frankfort, and fix the salaries of the chiefs of police and fire department and their subordinates, and the same shall be paid by warrant drawn on the city treasurer; and in case of the death, resignation or failure to qualify of any of said commissioners, the mayor may appoint from the remaining nominees to fill a vacancy, and the city clerk shall be the clerk of the commissioners of police and fire departments. The mayor shall appoint a chief of police and chief of the fire departments, who shall be qualified voters of the city of Frankfort, and who shall perform such duties as may be prescribed by the rules and regulations of the police and fire commissioners; and the chiefs of police or fire departments may be removed by the mayor, by and with the consent of a majority of the other police and fire commissioners.

§ 5. The mayor and council shall, in addition to the oath now prescribed by law, make oath or affirmation that they are bona fide owners of real estate in the city of Frankfort.

§ 6. The delinquent tax list of said city shall be published in one of the newspapers of Frankfort, selected by the council, in such manner as they deem best for the city, which publication shall be certified as now provided by law.

§ 7. That a separate election shall be held in the city of Frankfort in each ward, as now provided by law for other elections, on the first Monday in September next, for the ratification or rejection of the provision in this act in regard to the eligibility of the mayor, board of councilmen and school trustees for two successive terms, the voters to express their opinion in each case separately. The officers of such election shall be appointed, and have the same qualifications as now provided for city elections in said city, and the returns thereof shall be made in the same manner as now provided by law. There shall be provided a book for such purpose, with columns

headed for eligibility for each of the officers named above, and against the same for each of the officers named, and the voters voting at said election shall have propounded to each of the qualified voters in each ward voting at said election, by the officer thereof, the following questions: 1. Are you in favor of the eligibility of the mayor of the city of Frankfort for two successive terms? 2. Are you in favor of the eligibility of the members of the city council for two successive terms? 3. Are you in favor of the eligibility of the school trustees of the city of Frankfort for two successive terms? The answer of each voter upon each question shall be recorded by the clerk of said election, either in the affirmative or negative, as the case may be, and the result shall be counted and certified as other elections are counted and certified under the laws of Frankfort pertaining to city elections. If the majority of the votes cast are in favor of the eligibility of the mayor, board of councilmen, and school trustees of the city of Frankfort for two successive terms, the same shall be the law of said city of Frankfort. If a majority of said voters cast their vote against the eligibility of any or all of the officers named for two successive terms, it shall be a law, and in each case the same shall apply to the officers named hereafter elected in said city. The qualifications of the voters in such special election shall include all legal qualified voters who are authorized to vote for Representative, and no registration shall be made for such election.

§ 8. On the days now fixed by law for the election of trustees of the public school of the city of Frankfort, there shall be selected six trustees of said school, instead of three as now provided by law, to be selected as follows: On said days an election shall be held in each ward of said city by the voters of the ward having the qualifications to vote for Representative, to be conducted by officers for the election, to be appointed by the board of councilmen of the city

of Frankfort, of two school trustees for each ward in said city of Frankfort, who shall have the same qualifications as now required by law for such trustees, who shall take the oath and execute bond, and perform the same duties, and serve for the same term, as now prescribed by law for said school trustees.

§ 9. The county judge of Franklin county, the sheriff of said county, and the county clerk of said county, shall constitute a board which shall, between the first day of October and the first day of November, in each year, appoint four sober and discreet citizens in each ward in the city of Frankfort, two to act as judges of registration, one as clerk of registration in the wards for which they are appointed. No person shall be eligible as clerk or judge who is not a voter in the precinct for which he is appointed, and a house-keeper; and when there are two distinct political parties, said officers of registration shall be so selected as that one of the judges at each precinct shall be of one political party, and the other of the opposing political party. They shall serve for two years from the time of their appointment, and each of them shall take the oath prescribed by section 1, article 8, of the Constitution. The sheriff of Franklin county shall, at least five days before the registration shall commence for any city election, give each officer written notice of his appointment. Should either of those appointed fail or refuse to act, those present and acting are authorized to appoint others in their place. Should the court, sheriff, or clerk fail to appoint, or should all the officers fail to attend at the place of registration for an hour after the time for commencing said registration, then the sheriff, judge, or clerk of the county, or either of them that can be found, shall appoint the officers for that registration. They shall have the same powers that officers of elections have to preserve order at the polls. There shall be prepared by the officers of registration one registration book for each ward in the city of Frankfort, in proper

form, with printed headings providing a column each for the voter's name, residence, color, and also a column showing for what election said registration entitles the persons whose names are registered to vote; said books shall be so arranged as that the voters may be registered alphabetically. The books of registration shall be filed in the city clerk's office, be duly signed and certified by the officers of registration. The officers of registration shall attend at the voting places in each ward in the city of Frankfort provided for the election of city officers, on the second Monday in November, 1888, and continue for three days in each year, preceding the election for mayor, board of councilmen, board of school trustees and city attorney, from six o'clock in the morning until seven o'clock in the evening, and shall record in the registration book, which shall be furnished, a list of such qualified voters of the ward as may apply for registration: *Provided*, That when two or more elections occur in any one year for the same officers herein, but one registration shall be made, and the list so made shall be the voters for all such city elections for such city officers as are herein named. Said list of voters shall be made in alphabetical order, showing the name of the person registered, the name of the street or alley of residence, or number of the house or tenement in which he lives, and whether he be white or colored. No person shall be registered who does not personally appear before the officers of registration; and if he be not personally known to the officers, or if any by stander shall demand it, he shall be sworn by one of the officers and interrogated by him, or by such by-stander, touching his qualifications to vote, as provided under this act. Every person shall be entitled to be registered who is entitled to vote for Representative in the General Assembly, as provided in the Constitution of Kentucky. An alien, possessing all the qualifications of a voter except citizenship, shall be entitled to be registered, but the

clerk shall write under the head of "remarks," opposite his name, "not naturalized," and such alien shall not be entitled to vote at any election unless he produces his naturalization papers to the officers of election in due form of law. In making the registration the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to register, except that in case of a difference of opinion between the judges the clerk shall have the casting vote. It shall be the duty of the clerk to number consecutively the names recorded under each letter of the alphabet as they are taken down, and at the close of the registration he shall sign his name as clerk after the last name is recorded, in such manner as that no other name can be recorded above his; and he shall also foot up and certify the whole number of names recorded at that registration, and this certificate shall be signed by all the officers before leaving the place of registration, and in the presence of any other person who may witness it. The clerk shall also sign his name at the foot of each page. On the day following the clerk of each ward shall deliver said books into the hands of the city clerk, and take his receipt therefor. It shall be the duty of said clerk to keep said books safely in his office, and not to suffer the same to be taken therefrom. The clerk shall immediately make a list of the voters of each ward from said registration books, and have the same published in at least two newspapers published in said city of Frankfort, previous to said election. Any person who shall cause himself to be registered in more than one election ward, or more than once in the same ward, or shall cause himself to be registered, knowing himself that he is not entitled to registration, and any person who shall aid and abet in the commission of said acts, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in any sum not less than five hundred dollars, and imprisoned in

the county jail not more than one year, or both. Any officer of registration or other person who shall unlawfully alter any registration book, or add any name thereto, or shall willfully secrete, suppress or destroy any such book, or shall make or aid in making, any false or fraudulent registration book, shall be deemed guilty of a felony, and on conviction shall be confined in the penitentiary for not less than one nor more than five years; and shall forfeit any office he then holds, and shall forever be disqualified from holding any office. Any person who shall willfully make any false statement, under an oath, administered by the officers of registration, shall be deemed guilty of perjury, and upon conviction shall be confined in the penitentiary not less than one nor more than five years. Any person who by himself, or in aid of others, shall forcibly break up, or attempt to break up, a registration held under this act, or shall forcibly prevent, or attempt to prevent, any person from approaching or entering a place of registration for the purpose of registering, shall be fined not less than one hundred nor more than five hundred dollars. No witness shall be excused from testifying before any grand jury, or in any prosecution or indictment under this act, on the ground that his testimony will criminate himself; but no such testimony shall be used against him, except for perjury in giving the same. The cost of the registration books and expenses of the registration under this act shall be paid by the city of Frankfort, and the registration officers shall receive for their services three dollars each per day.

§ 10. All acts or parts of acts in conflict herewith are hereby repealed.

§ 11. This act to take effect from its passage.

Approved April 30, 1888.

CHAPTER 1343.

AN ACT to incorporate the Louisville Automatic Refrigerating Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. M. H. Gunther, R. T. Scowden, Laf. Joseph, Corporators. Thos. H. Sherley and Wm. L. Bridgeford, their associates and successors, be, and are hereby, constituted a body-politic and corporate, by the name and style of the Louisville Automatic Refrigerating Company, Corporate name. and by that name may sue and be sued, implead and be impleaded ; have a common seal, to be altered by them at pleasure ; to make by-laws not repugnant to the laws of this State or of the United States, for the management of their corporate concerns, and have and enjoy all the rights and powers of a corporation.

§ 2. Said corporation is hereby authorized and em- Powers. powered to purchase or lease such real estate, and to erect and maintain and operate such buildings and machinery as may be necessary to conduct the business of said company.

§ 3. The particular business of said company shall Nature of business. be that of operating, using, buying and dealing in refrigerating appliances, apparatus and machinery of all kinds, and selling and dealing in refrigeration produced thereby ; and to manufacture, buy and sell such articles, wares and merchandise as may be kept or made by the process of refrigeration ; and in the conduct of their business, as set out in the title hereof, may buy, sell and deal in all patent rights connected with said business, and in carrying on and conducting the same.

§ 4. The principal place of business shall be in the General office. city of Louisville and Jefferson county, Kentucky.

§ 5. The capital stock of said corporation shall be Capital stock. four hundred thousand dollars, said stock to be divided into shares of twenty-five dollars each, and the

said corporation shall have the right to issue full paid stock for the purchase of real and personal property and patent rights of any kind necessary for the business of said company.

Directors.

§ 6. The affairs of said company shall be conducted by a board of directors, consisting of five (5) members, three of whom shall constitute a quorum, elected annually by the stockholders of said corporation on the first Monday in June of each year; and until the first annual election, the incorporators named herein shall be the board of directors. Said incorporators or board of directors, when elected, may elect of themselves a president and vice-president. The said board of directors shall elect or appoint such other officers and agents as may be provided by the by-laws of the company.

Indebtedness
limited.

§ 7. The said company may incur an indebtedness not exceeding one-third of the capital stock subscribed, and may secure the payment of the same by mortgage of the property of the company.

When commence
business.

§ 8. Said company shall commence doing business within three (3) years from the passage of this act, and when the sum of twenty thousand dollars of said capital stock shall have been subscribed.

§ 9. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1344.

AN ACT to amend an act, entitled "An act to take the sense of the voters of Simpson county on the question of selling spirituous, vinous or malt liquors," approved April 22, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to take the sense of the voters of Simpson county on the question of selling spirituous, vinous or malt liquors," approved

April 22, 1886, be amended as follows: That under the provisions of said act, it shall be the duty of the county judge of Simpson county to make an order on the order-book of the county court, as provided in said act, for holding an election for the purpose of retaking the sense of the voters of said county upon the proposition whether or not spirituous, vinous or malt liquors shall be sold therein. And it is made the duty of the county judge of said county to certify and enter the result of said election on the order-book, and should a majority of the voters who vote, of said county, vote for the proposition to sell spirituous, vinous and malt liquors, it shall thereafter be lawful to sell the same in said county under the license laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1345.

AN ACT repealing an act to prohibit the sale of spirituous, vinous or malt liquors, in any quantity less than ten gallons, in precinct No. 8, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "An act to prohibit the sale of spirituous, vinous or malt liquors, in any quantity less than ten gallons, in precinct No. 8, in Bourbon county," approved April 4, 1884, be, and the same is hereby, repealed.

§ 2. This act shall be submitted to the qualified voters of precinct No. 8, in Bourbon county, at the August election, to be held on the first Monday in August, 1888; and if a majority of all the votes cast at said election on this question shall be in favor of this law, then this law shall be in full force and effect.

said corporation shall have the right to issue full paid stock for the purchase of real and personal property and patent rights of any kind necessary for the business of said company.

Directors.

§ 6. The affairs of said company shall be conducted by a board of directors, consisting of five (5) members, three of whom shall constitute a quorum, elected annually by the stockholders of said corporation on the first Monday in June of each year; and until the first annual election, the incorporators named herein shall be the board of directors. Said incorporators or board of directors, when elected, may elect of themselves a president and vice-president. The said board of directors shall elect or appoint such other officers and agents as may be provided by the by-laws of the company.

Indebtedness limited.

§ 7. The said company may incur an indebtedness not exceeding one-third of the capital stock subscribed, and may secure the payment of the same by mortgage of the property of the company.

When commence business.

§ 8. Said company shall commence doing business within three (3) years from the passage of this act, and when the sum of twenty thousand dollars of said capital stock shall have been subscribed.

§ 9. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1344.

AN ACT to amend an act, entitled "An act to take the sense of the voters of Simpson county on the question of selling spirituous, vinous or malt liquors," approved April 22, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to take the sense of the voters of Simpson county on the question of selling spirituous, vinous or malt liquors," approved

April 22, 1886, be amended as follows: That under the provisions of said act, it shall be the duty of the county judge of Simpson county to make an order on the order-book of the county court, as provided in said act, for holding an election for the purpose of retaking the sense of the voters of said county upon the proposition whether or not spirituous, vinous or malt liquors shall be sold therein. And it is made the duty of the county judge of said county to certify and enter the result of said election on the order-book, and should a majority of the voters who vote, of said county, vote for the proposition to sell spirituous, vinous and malt liquors, it shall thereafter be lawful to sell the same in said county under the license laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1345.

AN ACT repealing an act to prohibit the sale of spirituous, vinous or malt liquors, in any quantity less than ten gallons, in precinct No. 8, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "An act to prohibit the sale of spirituous, vinous or malt liquors, in any quantity less than ten gallons, in precinct No. 8, in Bourbon county," approved April 4, 1884, be, and the same is hereby, repealed.

§ 2. This act shall be submitted to the qualified voters of precinct No. 8, in Bourbon county, at the August election, to be held on the first Monday in August, 1888; and if a majority of all the votes cast at said election on this question shall be in favor of this law, then this law shall be in full force and effect.

§ 3 It shall be the duty of the officers of the election, to be held on the first Monday in August, 1888, to open a poll at said precinct, and to propound to each voter who may vote at said election the question: "Are you for or against the repeal of the prohibition law now in force in this precinct?" and register his vote in accordance with his response to said question, if he desires to vote thereon. The vote shall be certified and returned, examined and compared, as they are required to be in elections for State and county officers; and if it shall appear by the certificate of the examining board that a majority of those voting voted in favor of this repealing act, then the provisions of this act shall take effect and be in force.

§ 4. It shall be the duty of the sheriff of Bourbon county, at least thirty days before the day upon which this law is to be voted upon, to advertise, by printed handbills, posted at or near the voting place in precinct No. 8, that a vote will be taken on first Monday in August, 1888, for or against the prohibition law now in force in the precinct aforesaid; but a failure to give the notice herein required shall not invalidate the election herein provided for.

§ 5. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1346.

AN ACT to provide for the appointment of commissioners for the purpose of establishing the lines between Muhlenberg and Butler counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county surveyors of the counties of Butler, Muhlenberg and Logan are hereby made and constituted a commission to run, locate and mark the lines between the counties of Butler, Muhlenberg and Logan. Said commission shall meet and begin said

work at the point where the Butler and Muhlenberg counties' line crosses Mud river, and run thence with the old line between said counties to the point where the line between Logan and Todd counties intersects the Muhlenberg county line; and if said commission shall deem it advisable, for the purpose of ascertaining the above line, they may run from the above intersection with the Todd and Muhlenberg line to the Christian county line, or corner on the waters of Pond river.

§ 2. That said commissioners, in running and locating said lines, shall be governed strictly by the laws creating and establishing said counties; and when they have finished their duties as above prescribed, they shall make out and sign a report, setting forth the courses and distances of the said division lines as located and marked by them, and file a copy thereof with the clerk of the county court of Butler, Muhlenberg and Logan counties within fifteen days after the completion of said work. A majority of said commissioners may act, and in case of a disagreement among said commissioners, a majority shall control.

§ 3. Said report shall be placed upon the docket of the county courts of each of said county courts, and kept there for thirty days, during which time any person may file exceptions thereto in any of said county courts, after having given the county judges of the other counties notice of the time that such exceptions would be filed; and at the first term of the court in which said exceptions are filed, beginning not less than ten days from the filing the exceptions, said exceptions shall stand for trial, and be tried, unless for legal cause shown the case be continued to the next term of said court; and when said exceptions have been tried by such county court, either party may appeal to the circuit court of such county, in the same manner as provided by law for appeals from county to circuit courts. If the case be appealed to

the circuit court, it shall be tried *de novo*, and its decision shall be final.

§ 4. If there be no exceptions filed to said report, the said report, or in case exceptions be filed, the decision of the county court, if no appeal be prosecuted, or in case an appeal is prosecuted, the decision of the circuit court shall be recorded upon the order-book of each of said counties, and shall be conclusive evidence of the location of said lines.

§ 5. Said commissioners shall have power to employ two chainmen and one marker, all of whom shall be sworn by any of said commissioners to faithfully perform their duties. Said commissioners shall make said survey within the months of May or June, 1888, and they and the chainmen and marker shall be paid a reasonable sum for their services, to which each county shall contribute equally out of the county levies.

§ 6. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1348.

AN ACT for the benefit of R. L. Borders, of Taylor county.

WHEREAS, R. L. Borders, of Campbellsville, Taylor county, obtained license from said Taylor county court to retail spirituous, vinous and malt liquors in said town for a period of twelve months, said Borders paying one hundred dollars to the State, and same was paid to the Auditor of State June, 1886; and on the first of October, 1886, said Borders' house in which he was doing business and his entire stock of goods was consumed by fire, and no insurance thereon. Said Borders was thereby prevented from utilizing his said license afterwards, and said license was of no avail to him after said burning; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury of the State in favor of R. L. Borders for the sum of sixty-six dollars and sixty-six cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from its passage.

Approved April 30, 1888.

CHAPTER 1349.

AN ACT to amend an act, entitled "An act to incorporate the town of Flemingsburg, Fleming county," approved April 29, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 8 of said act be so changed as to read in first and second lines, "The council or mayor may call upon any attorney to prosecute any person arraigned before the mayor."

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1350.

AN ACT to change the name of the "Green River Synod" of the Cumberland Presbyterian Church, to the Synod of Kentucky, and to prescribe its powers and responsibilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the "Green River Synod" of the Cumberland Presbyterian Church be, and the same is hereby, changed to that of "The Synod of Kentucky," and the said Synod of Kentucky is here-

by invested with all the rights, privileges and immunities, and is hereby made subject to the same liabilities and responsibilities as the said Green River Synod has heretofore possessed and been subject to.

§ 2. This act takes effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1351.

AN ACT to authorize the erection of water-gaps across John's creek, in Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act heretofore passed by this General Assembly, approved ———, declaring John's creek, in Floyd county, a navigable stream, be, and the same is hereby, amended so as to allow any one to erect and keep erected a water-gap across said stream from the first of April till the first of November: *Provided*, That such water-gaps shall not interfere with the free navigation of said stream, so far as the same was intended to be declared navigable by the act to which this is an amendment.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1352.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Marion," approved March 20th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Marion," approved March 20th, 1876.

§ 2. That section nine of article two of said act be, and the same is hereby, repealed, and that the following be, and is hereby, substituted in lieu thereof: "That whenever any vacancy shall happen by the death, removal, resignation or otherwise, of any officer elected by the people or appointed by the board of trustees, said vacancy or vacancies shall be filled by appointment of the board of trustees until the next regular election."

§ 3. That subsection two of section two of article five of said act be, and the same is, amended by inserting, in line three of said section, after the word "innkeeper" and before the word "merchant," the following: "Coffee-house or saloon, with the privilege of retailing spirituous, vinous and malt liquors by the drink;" and by striking out of line seven of said section the words "seventy-five" and inserting in lieu thereof two hundred dollars, and by striking out of the ninth line of said section the words "twenty-five" and inserting in lieu thereof one hundred dollars.

§ 4. That subsection three of section two of article five of said act be, and the same is, amended by striking out of line four of said section, after the word "shall" in said line, the word "not," and by adding, at the end of said subsection three, the following words: "And shall charge, as a license or tax therefor, three hundred dollars—no more and no less."

§ 5. That an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts in reference to the town of Marion,'" approved March 20th, 1876, approved March 30th, 1888, be, and same is hereby, repealed.

§ 6. This act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1354.

AN ACT to amend the charter of the city of Dayton, Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the city council of the city of Dayton, in Campbell county, Kentucky, is hereby authorized and empowered to cause to be condemned and opened for the purpose of a road, street, alley or public way, or for any extension, widening or change thereof, any real estate in or adjoining said city that said city council may deem necessary for public use ; that when desirous of acquiring real estate for any such purpose, the said city council may proceed by petition and other proceedings in the county court, as in and by article six, chapter one hundred and seven, title "Towns," of the General Statutes ; and the county court of Campbell county is authorized and required to act in all such cases and to effectuate all such purposes.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1355.

AN ACT to amend an act to incorporate the Camdenville and Shiloh Meeting House Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Camdenville and Shiloh Meeting House Turnpike Road Company" be, and the same is hereby, amended so as to extend the provisions of said act to the following road : Commencing at the Henry Baxter house, on the farm of R. B. Sweeney, passing from that point

the most practical route to Shiloh; and thence the most convenient and practical route to the town of Camdensville, in Anderson county; the act hereby amended was approved May 7, 1886.

§ 2. The act amended hereby, and all acts and parts of acts made part thereof, as far as they are applicable to and not inconsistent with this act, are enacted as part hereof.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1356.

AN ACT to incorporate the Deposit Bank of Pearce, Fant & Co., at Flemingsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. E. Pearce, W. S. Fant, Nelson Fant, C. C. Pearce, J. P. Harbeson, Wood Richardson, Thos. S. Andrews, and their successors and associates, be, and they are hereby, declared, for the term of thirty years next ensuing after the passage of this act, a corporation, under the name of the "Deposit Bank," with power to sue and be sued, contract and be contracted with, deal in bills of exchange, promissory notes, bonds, gold and silver, exchange, and all other evidences of debt; to loan and borrow money, and generally do and perform a general banking business.

§ 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any three of them, may open books for the subscription of stock, and when the sum of ten thousand dollars shall have been subscribed and paid in, said corpo-

rators shall give notice of a meeting of the subscribers, and proceed to organize the company or corporation.

§ 4. The business of the company or corporation shall be managed by not less than five directors, to be chosen by the subscribers, and no one shall be a director unless he shall be the owner of one share of stock in said "Deposit Bank." An election for directors shall be held at the first meeting of the subscribers after the subscription of one hundred shares of stock, and shall continue in office for the term of one year, or until their successors are chosen. And on the second Tuesday in January thereafter, and each succeeding year, an election for directors for said "Deposit Bank" shall be held at the office of said bank. Such election shall be held by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented; and this rule of voting stock shall apply to all questions submitted to the decision of the stockholders. Should an election for directors, from any cause, fail to be held on the day herein designated, the corporation shall not from that cause be dissolved; but any and all elections held subsequent thereto shall be deemed and held valid, if ordered by the majority of the directors then in office.

§ 5. The board of directors shall, at their first meeting, choose one of their number as president of the board, in such manner, with such salary, and for such period as they shall deem proper; and they may employ such clerks, officers, agents or servants as they may deem necessary for the proper conduct of the affairs of the bank; shall fix their salaries, prescribe their duties, and take good and sufficient bonds, with security, for the faithful performance of their duties; and may require each officer to make oath before a justice of the peace, or other person authorized to administer an oath, that he will honestly and faith-

fully perform his duties as an officer of this corporation.

§ 6. A majority of the board of directors shall constitute a quorum for the transaction of business.

§ 7. The form of certificates of shares of stock, and manner of transfer of same, shall be regulated by the by-laws of the corporation, and a lien is hereby created in favor of the corporation on the stock of each share-holder for any unpaid balance due the bank by such stockholder on subscription for said stock.

§ 8. The said deposit bank is hereby authorized and empowered to make advances on and receive in pledge for money loaned, or debts due them, public and private securities, goods, wares and merchandise, and may sell the same on the non-payment of debt, on demand, according to the terms agreed upon between the parties by written contract, at the time the debt was created, under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 9. The said corporation may receive on deposit gold, silver, bank notes or other currency, and shall be permitted to deal in the same; also in bills of exchange, promissory notes, and other evidences of debt, take personal and other securities therefor, and dispose of the latter as may be agreed upon, in all respects as natural persons may do. And the promissory notes made negotiable and payable at its banking-house, or at any bank, which may be discounted by the said "Deposit Bank," and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against drawers or indorsers.

§ 10. The said "Deposit Bank," through its board of directors, is hereby authorized and empowered to

ordain, establish, and put in execution such by-laws as may be necessary or convenient for the government of said corporation, not contrary to the laws of this State or of the United States: *Provided*, That said deposit bank shall not hold any real estate conveyed to it as security for, or in payment, in whole or in part, of any debt, judgment or decree for a longer period than five years.

§ 11. That every stockholder shall be individually liable to the creditors of the bank for double the amount of stock subscribed and owned by him.

§ 12. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1957.

AN ACT to further regulate the operation of turnpike roads and companies in Harrison county, and to authorize and fix charges and tolls for crossing certain bridges of such companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any company in Harrison county, incorporated under the general laws, or by special act, to build and operate a turnpike, gravel or plank road in said county, deems it necessary to construct a bridge over any water-course crossing the line of said road, and shall build the same, and the same shall, when built, cost a sum in excess of the average cost of construction of one mile of said road, then, and in that event, said corporation shall be authorized to demand, receive and collect tolls for crossing said bridge, at the rates now allowed by law for travel on turnpike, gravel and plank roads.

§ 2. In order to ascertain the amount of toll to be paid for crossing the bridge, the cost of the bridge and its approaches shall be divided by the average

cost of one mile of the entire road owned and constructed by the company building the bridge; and the quotient, without any regard to the remainder, shall be regarded as the distance traveled for which toll may be collected, as authorized by the chapter to which this is an amendment.

§ 3. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1358.

AN ACT to correct the title of an act, entitled "An act to incorporate the Princeton College Institute, in Princeton, Caldwell county, and other purposes," approved March 21, 1882, and to otherwise amend same.

WHEREAS, In the title of an act, entitled "An act to incorporate the Princeton College Institute, in the town of Princeton, Caldwell county, and other purposes," approved March 21, 1882, the word "college" was, by mistake, used instead of the word "collegiate;" therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of said act be, and same is hereby, so amended and corrected as to make same read as follows: An act to incorporate the Princeton Collegiate Institute, in the town of Princeton, Caldwell county, and for other purposes.

§ 2. The said board of trustees shall have the power to receive, hold and use, for benefit of said institute, any property or estate, real, personal or mixed, given, granted, conveyed, devised or bequeathed to the institute, and to sell and convey same whenever they shall deem it to the best interest of the institution so to do; they shall have power to establish, preserve

and perpetuate an endowment for support of the institution, or for support of scholarships, chairs or professorships.

§ 3. This act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1359.

AN ACT to incorporate the Kentucky Breeding Farm.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Wilson, W. T. Handy, T. J. Megibben, J. A. Wolford and J. S. Withers, be, and the same are hereby, constituted a body-corporate, together with their successors and assigns, for the purpose of buying, owning, breeding, selling, dealing in and handling live stock, and for the purpose of buying and owning any real estate that may be necessary to carry out the purposes of the company, the name of which corporation shall be known as the Kentucky Breeding Farm.

§ 2. The said corporation shall have perpetual succession, and shall have the right to sue and be sued, and shall conduct all of its business in its corporate name. Its chief office shall be at Cynthiana, Harrison county, Kentucky. The amount of capital stock shall not exceed two hundred and fifty thousand dollars, and the highest amount of indebtedness to which the corporation shall subject itself at any one time shall not exceed two-thirds of its capital stock. The shares of stock shall be five hundred dollars each. The stock may be transferred upon the books of the company in person or by attorney. The private property of stockholders and members shall be exempt from the corporate debts of the company.

§ 3. The corporation shall have all the rights and powers of an individual in the transaction of business

appertaining to the affairs of the corporation. It shall have the power to make all rules and regulations necessary for the management of its affairs, not inconsistent with the Constitution or laws of this State.

§ 4. The corporation shall have the right to issue bonds, and to mortgage any of its property to carry on its business, and to borrow money. The stock shall be paid in such manner and in such installments as the directors may order.

§ 5. The corporation shall be under the control of five directors, who shall be selected from the stockholders, and who shall hold their offices for the period of one year, and until their successors are elected and qualified. The officers shall consist of a president, treasurer, secretary and general manager.

§ 6. The general manager shall have the general control and management of the affairs of the corporation, and he shall make all contracts for the corporation, subject to the approval of the directors, and he shall be paid such salary as the directors may fix.

§ 7. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1360.

AN ACT to incorporate the Louisville Driving Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That M. H. Smith, B. B. Veech, E. H. Chase, Corporators.
H. H. Littell, S. C. Maxwell, Paul Jones, J. W. Gaulbert, Augustus Sharpe, Philip Judge, George L. Danforth, John E. Green, their associates and successors, be, and they are hereby, incorporated, under the name of the Louisville Driving Park Association ; Corporate name.
and by that name may sue and be sued, and perform

all acts authorized by law, and shall have all the rights and powers incident to corporations.

Capital stock. § 2. The capital stock of the said association shall consist of any sum not exceeding one hundred thousand dollars, which shall be divided into shares of a par value of one hundred dollars each, which may be subscribed and paid for in the manner determined by the by-laws of the association; such shares shall be transferable upon the books of the company only; and each share shall be entitled to one vote upon all matters coming before the stockholders.

Directors. § 3. The affairs of the said association shall be controlled by a board of directors, consisting of not less than seven and not more than eleven persons, who shall be stockholders, and shall be elected by the stockholders to serve for one year, and until their successors are elected. The incorporators herein named shall constitute the first board of directors, and their successors shall be elected on a day fixed in the by-laws of the association, for the annual election of directors.

Officers. § 4. The board of directors shall elect one of their number to be president and one to be vice-president; and they shall also elect a treasurer and a secretary, and such other officers as they may deem expedient. The duties of all officers shall be defined in the by-laws of the association. The officers to serve during the period of the first board of directors herein named shall be as follows: John E. Green, president; Augustus Sharpe, vice-president; George L. Danforth, treasurer; Geo. Lindenberger, secretary.

First board directors. § 5. The said association shall have authority to hold fairs and meetings for exhibitions of live stock, agricultural and manufactured products, machinery, and such other things as are usually exhibited at State and county fairs; and have running and trotting contests; and may sell, or authorize and regulate the sale of pools on such contests on the grounds of the association, and at one place in the city of Louisville;

General business and powers.

and may have lawful games, and hold and give entertainments on the grounds of the association; and may maintain a road and track for driving and training purposes: *Provided*, That nothing herein shall be construed to authorize any unlawful games or amusements; and the said association shall have, for the purposes aforesaid, the right to acquire, in the city of Louisville, or in the county of Jefferson, by purchase, lease or otherwise, any lands suitable and convenient therefor, and may hold, use and dispose of same; and the said association may charge for admission, use of track or road-way, stables and privileges, as may be agreed upon.

§ 6. The said association shall have the right to preserve and enforce order and obedience to its rules and regulations, and for the purpose aforesaid the police jurisdiction of the city of Louisville is extended so as to embrace the grounds of the said association, and one hundred feet of land adjoining the same: *Provided, however*, That the said association shall pay for any of the police force of the said city used for such purposes.

§ 7. The association hereby incorporated shall be deemed a continuance of the Louisville Driving Association now in existence, and shall be liable for all its debts, obligations and liabilities, and shall be entitled to all its property and assets.

Continuation of
existing Louis-
ville driving
association.

§ 8. The said association may make rules and by-laws for the conduct and regulation of its affairs: *Provided*, That they shall not be inconsistent with the laws of this Commonwealth.

By-laws.

§ 9. The said association may issue and sell its negotiable bonds, and secure the payment thereof by a mortgage on the whole or any part of its property.

Issue bonds.

§ 10. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1361.

AN ACT to repeal all acts and parts of acts, so far as the same authorize the county of Woodford to subscribe to the capital stock of any railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of all acts and parts of acts as authorize the county of Woodford to subscribe to the capital stock of any railroad corporation, be, and the same are hereby, repealed.

§ 2. This act shall not apply to nor affect the subscriptions heretofore voted to the Versailles and Midway Railroad Company, nor to the subscription voted to the capital stock of the Louisville Southern Railroad Company, nor to the subscription voted to the Woodford Rail Company in March, 1888, nor to the subscription appropriated to the Richmond, Nicholasville, Irvine and Beattyville Railroad Company.

§ 3. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1362.

AN ACT for the benefit of John Wilson, of Caldwell county.

WHEREAS, John Wilson, of Caldwell county, was, while a minor, convicted of the crime of larceny, and, as is believed, unjustly, and has since conducted, and is now conducting, himself as a sober, quiet, orderly, law-abiding citizen; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Wilson be, and he is hereby, relieved of the disabilities consequent upon such conviction, and is restored to his right of suffrage and to hold office.

§ 2. This act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1363.

AN ACT authorizing the Mayslick and Flat Fork Turnpike Road Company, in Mason county, to extend their road to a junction with the Mayslick and Helena Turnpike, and to maintain, operate and collect toll thereon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the Mayslick and Flat Fork Turnpike Road Company to extend their road over that part of the old Mayslick and Elizaville Turnpike road-bed, lying between the junction of the Mayslick and Elizaville Turnpike, with Mayslick and Flat Fork Turnpike, to the Mayslick and Helena Turnpike Road.

§ 2 Said Mayslick and Flat Fork Turnpike Road Company are hereby empowered to maintain, operate and collect toll on said extension, and to have all the rights, powers and privileges thereon as are provided by the charter of the Mayslick and Flat Fork Turnpike Road.

§ 3. This act shall take effect and be in force from its passage.

Approved April 30, 1888.

CHAPTER 1364.

AN ACT to incorporate Cora Institute, of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William A. Nesbit, James Stillman, M. Corporators. E. Mahan, R. Bird, Benjamin Sharp, H. S. Jones, of Pleasant View, Whitley county, Kentucky; B. F. Rose, H. C. King, of Williamsburgh, Whitley county, Kentucky; S. S. Sullivan, of Rockhold, Whit-

ley county, Kentucky, and Dr. W. C. Bryant, of Boston, Whitley county, Kentucky, and their successors, be, and they are hereby, created a body-politic and corporate, to be known as Cora Institute; and by its corporate name to have perpetual succession, to sue and be sued, to plead and be implead, in any court in this Commonwealth; to have a common seal of its own devise, with power to change at pleasure; to make by-laws for the government of said incorporation, not inconsistent with the Constitution and laws of these United States, or Constitution and laws of the State of Kentucky.

§ 2. That the object of said Cora Institute shall be the establishing and maintaining a college at Pleasant View, Whitley county, Kentucky, in which shall be taught all the branches of a thorough classical and English education, and commercial book-keeping and business department.

§ 3. The said Cora Institute shall have power to graduate students, and grant diplomas in the various departments, and confer degrees of Master of Arts, Bachelor of Arts, Bachelor of Science, and other honorary degrees.

§ 4. That said institution shall be controlled by seven curators, chosen by the incorporators, who shall have power to employ and discharge teachers, fix the rates of tuition, and prescribe rules for admission of students.

§ 5. That said institute shall conduct its business at Pleasant View, Whitley county, Kentucky, in the school buildings owned by Wm. A. Nesbit, and now known as Cora Institute buildings.

§ 6. That said Cora Institute shall not create any indebtedness beyond the expense of teaching in said institute.

§ 7. The officers of this incorporation shall be a president, vice-president, secretary, treasurer, and board of curators, who shall be elected and hold their office

in such manner and for such time as may be fixed by the by-laws of this incorporation.

§ 8. That all diplomas issued by said institute shall ^{Diplomas.} be signed by the president and faculty, duly attested by the secretary, with the corporate seal attached.

§ 9. That the incorporators shall not be personally ^{Personal liability} liable, nor shall their private property be subject to payment of any debts of said institute.

§ 10. This act to take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1365.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Beattyville, and to reduce into one the several acts in relation thereto," approved April 9, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend the charter of the town of Beattyville, and reduce into one the several acts in relation thereto," approved April 9, 1878, as authorizes the board of trustees of the town of Beattyville, in any way, to license or tax the sale of spirituous, vinous or malt liquors, or to license saloons or coffee-houses, in the limits of said town, be, and the same is hereby, repealed.

§ 2. That the board of trustees of said town of Beattyville is hereby given the authority and power to assess and collect a tax of fifty dollars against each saloon-keeper or vendor of spirituous, vinous or malt liquors by retail, selling under license granted by the Lee county court; but nothing herein is to be construed so as to give said board of trustees any power to license saloons. In the collection of said tax said board shall have the remedies now given by law.

§ 3. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1366.

AN ACT for the benefit of the Panther Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Panther Lick Turnpike Road Company, of Owen county, is hereby authorized to erect and maintain a toll-gate at its intersection with the Owenton and Clay Lick Turnpike, near and within one-half mile of the town of Owenton.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1367.

AN ACT to amend an act, entitled "An act to prohibit the sale, barter or traffic in spirituous, vinous or malt liquors, in any quantity whatever, or for any purpose whatever, in Hart county," approved March 26, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to prohibit the sale, barter or traffic in spirituous, vinous or malt liquors, in any quantity whatever, or for any purpose whatever, in Hart county," be, and the same is hereby, amended by adding the following section thereto: Section 9. The justices of the peace and police judges of said county of Hart shall have jurisdiction to try offenders for violating the provisions of this act.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1368.

AN ACT to amend the charter of the city of Hawesville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the city of Hawesville," approved April 7, 1882, be, and the same is hereby, amended so that it shall hereafter be lawful for the council of said city to fix the rate of city tax on licenses for keeping taverns or coffee-houses, with the privileges of retailing spirituous, vinous or malt liquors, or either, at any sum not less than two hundred dollars, and not more than three hundred dollars, which shall be for the benefit of the public schools of said city, as now provided by law: *Provided*, That the council shall not grant either of said licenses until the applicant for same shall have first obtained a license from the county court, after which it shall be the duty of the council to grant the same, upon the payment of the city tax: *Provided further*, That twenty per cent. of the fund realized from said licenses be paid to the treasurer of city of Hawesville, to be devoted to the payment of the salary of a marshal or payment of city police; said salary from this source not to exceed the sum of two hundred dollars.

§ 2. That section 32 of the act to which this is an amendment be, and the same is hereby, repealed, down to and including the word "herein," before "provided," and the following enacted in lieu thereof: Section 32. The council shall have power to levy and collect a poll-tax on each male inhabitant over twenty-one years old of the city, not to exceed the sum of one dollar each year, and an ad valorem tax on all property in said city subject to taxation for State purposes, not to exceed fifty cents on each one hundred dollars in value, subject to the proviso in section 1 of said act.

§ 3. That said city charter be, and the same is hereby, amended by adding to the twenty-ninth section thereof words as follows: "But no ordinance passed by said council shall be valid or take effect without the approval and signature of the mayor, within five days after its passage, unless when it is returned with his disapproval, or is retained by him more than five days, it shall be again submitted to the council at a regular or special session of the council, held within five days thereafter, at which a quorum is present and voting, by a vote of the councilmen present."

§ 4. That all laws or parts of laws inconsistent herewith are hereby repealed.

§ 5. This act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1369.

AN ACT providing a game law for Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons in the county of Pendleton to enter upon the premises or lands of another person or persons for the purpose of hunting with guns or dogs without first obtaining the written permission of the owner or owners or occupant of the same.

§ 2. Any person so trespassing shall be fined, before any court having competent jurisdiction, upon a warrant, not less than one nor more than ten dollars. All fines so collected under this act shall go to the school fund in the district in which the offense is committed.

§ 3. This act to take effect from its passage.

Approved April 30, 1888.

CHAPTER 1370.

AN ACT to amend an act, entitled "An act to incorporate the town of Rockport, in Ohio county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 5 of "An act to incorporate the town of Rockport, in Ohio county," approved February 24, 1870, be, and the same is hereby, amended as follows: By striking out the word "annually," in the first line of said section, and inserting in lieu thereof the words "once every four years;" and an election for said offices shall be held on the first Saturday in May every four years hereafter.

§ 2. This act shall take effect and be in force from and after the first Saturday in May, 1888.

Approved April 30, 1888.

CHAPTER 1371.

AN ACT to incorporate New Farmers' Bank of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a savings and deposit bank in Mt. Sterling, Montgomery county, Kentucky, with a capital of five hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of "New Farmers' Bank," and shall so continue for thirty (30) years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein; and shall have and may exercise all the rights and privileges of a natural person in contracting and being

Capital stock.

Powers.

Corporate name.

contracted with ; and as such may sue and be sued, and plead, answer and defend, in any court or place whatever ; and may have and use a common seal, and change the same at pleasure.

Directors.

President.

Powers.

By-laws.

First board
directors.

§ 2. Said bank shall be under the control and management of a board of seven directors, who shall be stockholders, and shall hold their offices until their successors are elected and qualified ; and after the first election under this charter they shall be elected annually, on the first Monday in January of each year, or as soon as practicable thereafter ; and in case of a vacancy, for any cause, the remaining directors may fill the same with other stockholders ; they shall elect one of their number president ; they shall have power to sell any of the stock not subscribed for, and to declare dividends arising out of the profits of the business of said bank ; to appoint such officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay them for their services, and may take such bonds from the president, cashier or other employes of said bank as they may deem necessary to insure a faithful performance of their respective duties ; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank : *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That J. A. Young, J. D. Hazlerigg, L. M. Bent, J. G. Mabley, R. A. Mitchell, H. H. Ringo and Wm. Mitchell, are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified ; and they may fill any vacancy occurring in their number, and shall provide for an election of directors by the stockholders, on a day to be fixed by the above directors ; the directors aforesaid shall cause the cashier to give due and proper notice to all stockholders, by publication in some newspaper printed in Mt. Sterling, Kentucky, or by written or printed notices through

the mails, of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section 3 Open books. of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sum not less than five dollars per share, that may be paid in by any subscriber at or after the time of making said subscription and before the organization of the bank; and as soon as fifty shares of said stock shall have been subscribed for they may organize said bank, by electing a president and appointing a cashier, and may begin business as soon as twenty-five thousand dollars of said capital has been paid in: *Provided*, That the cashier shall go before the county judge or some justice of the peace, clerk of a court of record or notary public, and make and subscribe to an oath (or affirmation) that said twenty-five thousand dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank, the calls for payments of installments on the subscriptions of stock shall not, at any one time, exceed ten dollars per share, nor be made oftener than one call per month; and at least ten days' notice shall be given each subscriber of the time such installments will be due; and any share of stock on which any called installment is at any time thirty days overdue, may be declared forfeited by the board of directors after ten days' notice in writing to the owner thereof of their intention to forfeit same, provided the same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction after notice to pay, first, all such due or overdue installments to the bank and the expenses of making the

sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

Stock personal
property.
Transferable.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him.

General business.

§ 7. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositor by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other evidences of debt, take personal, collateral or other security or mortgages on real or personal property for the payment of same, and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

Hold real and
personal prop-
erty.

§ 8. Said bank may acquire, hold and use such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for or purchased in satisfaction of any debt, judgment or decree, and may sell and convey the same: *Provided*, That no real estate purchased by it in satisfaction of any debt, judgment or decree, shall be held for a longer period than five years; and may buy its own stock in satisfaction of any such debt, judgment or decree, but must resell the same as soon as practicable.

§ 9. Said bank may receive deposits from minors

and married women; and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 10. A majority of the directors named in this act, Minors and married women. or a majority of those who at the time may be living, shall have the power to meet and organize said bank.

§ 11. The president, cashier, directors, and other officers of the bank, before entering on the discharge of their respective duties, shall each take an oath (or affirmation) before the county judge, or some justice of the peace, clerk of a court of record, or notary public, faithfully and to the best of their skill and ability and judgment to discharge all the duties of their respective offices or stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 12. The Legislature reserves the right to amend, alter, or repeal this charter at pleasure.

§ 13. Said bank shall have a superior and prior lien to all others upon the stock of any stockholder in said bank for the amount of indebtedness of said stockholder to said bank for any unpaid balance due on said stock.

§ 14. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1372.

AN ACT to change the boundary line between the counties of Owsley and Lee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Owsley and Lee be so changed as to include in the

county of Lee and Procter precinct the farms now owned and occupied by Wm. C. Lutes, Stephen Bowman and the land of J. K. Roberts, known as the Henry Thomas land.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1373.

AN ACT to authorize the town of Russellville to buy and hold certain real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the mayor and councilmen of the town of Russellville be, and they are hereby, empowered, in their discretion, to purchase from the Logan county court the building and real estate, or either without the other, situate on the public square in Russellville, and now used for court house purposes by Logan county, and to pay therefor by applying to that purpose a sufficiency of the revenues of said town as now derived from taxes and other sources.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1374.

AN ACT to amend an act to incorporate the Case Crowder and Etherington Turnpike Road Company, approved April 22d, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Case Crowder and Etherington Turnpike Road Company, in Anderson county," be, and the same is hereby, so amended as to authorize the incorporators

to extend the road to the county line between the counties of Anderson and Washington, at or near the residence of Wm. Edwards.

§ 2. That all acts and parts of acts of the act hereby amended are made part hereof, which act, so amended, was approved April 22d, 1886

§ 3. This act shall take effect and be in force from its passage.

Approved April 30, 1888.

CHAPTER 1375.

AN ACT for the benefit of A. F. McClanahan and M. H. Kavanaugh.

WHEREAS, On the 13th day of September, 1887, Wm. Johnson and G. W. Wilson stole, took and carried away from the premises of M. H. Kavanaugh and A. F. McClanahan two horses, then and there belonging to and in the possession of said Kavanaugh and McClanahan; and whereas, said horse-thieves were pursued from said Kavanaugh and McClanahan's homes, in Pendleton county, into the State of Ohio, where the horses were recovered and the said thieves arrested; and whereas, a requisition was issued by the Governor of this Commonwealth upon the Governor of Ohio, Hon. J. B. Foraker, who refused to surrender the prisoners, then in custody in Hamilton, Ohio, to the authorities of Kentucky, and said prisoners were allowed to plead guilty and were sentenced to one year and six months in the penitentiary of the State of Ohio; and whereas, the said Kavanaugh and McClanahan have incurred great expense and loss of time in apprehending and convicting the said prisoners; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant upon the

Treasury in favor of the said M. H. Kavanaugh and A. F. McClanahan for fifty dollars each, to be paid out of any money in the Treasury not otherwise appropriated, for the arrest and conviction of Wm. Johnson and G. W. Wilson for horse-stealing.

§ 2. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1376.

AN ACT to repeal an act authorizing John Shaw and W. T. Proffitt to erect a mill-dam across Big Barren river, in Monroe county, at or near their mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act authorizing John Shaw and W. T. Proffitt to erect a mill-dam across Big Barren river, in Monroe county, at or near their mill, approved March 6, 1878, is hereby repealed.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1377.

AN ACT to amend and re-enact an act, entitled "An act to authorize the people to vote a tax in aid of turnpike roads in Henry county," approved March 9, 1869, and the acts amendatory thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize the people to vote a tax in aid of turnpike roads in Henry county," approved March 9, 1869, and the acts amendatory thereto, be re-enacted and amended and contin-

ued in force for five years in turnpike district No. 3, in Henry county.

§ 2. That said acts and amended acts be, and they are so amended, that said district No. 3 shall only pay eight hundred dollars a mile for turnpikes built in said district, instead of one thousand dollars per mile as heretofore; and the certificates shall bear six per cent. interest from the day they are issued until paid; but said interest shall not be compounded.

§ 3. That Joseph Clements, John Chandler and Ebenezer Wallace are hereby appointed commissioners, whose duty it shall be to determine the location of and what turnpike roads shall be built in said district, and that no person or corporation hereafter building a turnpike road in said district No 3 shall be entitled to the benefit of the act and various amendments to which this is an amendment, and to this amendment, until such person or corporation shall have obtained the certificate of at least two of said commissioners, to the effect that the turnpike has been built upon a route selected and approved by said commissioners: *Provided*, That this section shall not apply to turnpikes which have been built before the first of April, 1888, or which are in good faith in actual process of construction at that time.

§ 4. That the commissioners appointed in the preceding section shall hold their offices as long as this act remains in force. They shall receive no compensation for their services. Should any one of said commissioners die or resign, the county judge of Henry county, on the application of two tax-payers of said district, shall appoint some one residing in said district as his successor, who shall have all the powers conferred by this act on the commissioner so dying or resigning.

§ 5. That there shall be imposed upon all the taxable property in said district, for the purpose of building the turnpike roads in said district, in addition to the tax now imposed, an ad valorem tax of twenty

cents on the one hundred dollars' worth of all taxable property in said district, and a poll-tax of one dollar and fifty cents on each male person twenty-one years of age or over residing in said district. Said tax to be collected in the same manner that the tax now imposed is directed to be collected.

§ 6. That this act shall not take effect nor be in force until ratified by a majority of the voters of the district voting at an election to be held on the first Monday in August, 1888. The election to be held as prescribed in the act to which this is an amendment.

§ 7. This act shall take effect from and after its passage.

Approved April 30, 1888.

CHAPTER 1378.

AN ACT to re-enact and amend an act, entitled "An act to authorize the people of Henry county to vote a tax for the purpose of aiding companies in the building of turnpike roads in said county," approved March 9, 1869, and the acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to authorize the people of Henry county to vote a tax for the purpose of aiding companies in the building of turnpike roads in said county," approved March 9, 1869, with all the amendments thereto, be, and the same is hereby, re-enacted, except as hereafter amended, so as the provisions of the same will apply to and govern, and be in force in, district No. (2) two, which is described by the act to which this is an amendment; and the provisions of this act, if adopted, will remain in full force and effect in said district for (4) four years from its adoption.

§ 2. The election to ascertain the will of the people as to whether they will adopt this act shall be held

on the first Monday in August, 1888, in the same manner as provided for elections in the act to which this is an amendment; and if a majority of the persons voting at said election shall vote in favor of adopting this act, then it shall be in full force and effect from and after said election for the time hereinbefore described.

§ 3. That a pike, with the metal thereon ten feet wide, and otherwise constructed as required by law, shall constitute a lawful pike under the provisions of this act.

§ 4. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1379.

AN ACT to change the county line between Menefee and Powell counties, which is for the benefit of Henry C. Farmer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Menefee and Powell counties be so changed as to run as follows: Beginning on a bluff west of Indian creek, below the mouth of the Powder Mill branch, and where said county line now crosses the lines of Henry C. Farmer's land; thence eastwardly to a walnut tree corner near said creek; thence with said Farmer's line to Red river; thence down with said river to the mouth of said creek, and including in Powell county said Farmer's land between said river and the lines above named, which is for the benefit of said Farmer.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1380.

AN ACT to quiet the title to certain lands lying in Whitley county.

WHEREAS, A grant for nine thousand and six hundred acres of land lying in Whitley county was issued to Jacob Hudson and Cyrum Wait, dated on eighteenth day of October, 1855, in pursuance of an actual survey made by authority of warrants from the Whitley county, issued in the year 1846, which were duly paid for ; and whereas, said grant includes in its exterior lines other surveys of land excluded from the operation of said grant, which are not described or identified with sufficient certainty to locate the same ; and whereas, the lands covered by said grant are now owned by bona fide purchasers for value, who have expended considerable sums of money in developing the mineral resources of said lands ; and whereas, doubts exist as to the validity of said grant ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of said grant is legalized, and is hereby declared valid, as includes and grants lands which are not covered by other grants or surveys made and issued under the laws of this State, which are claimed by persons under such grants or surveys, and against the said Hudson and Wait grant.

§ 2. That the present claimants of land under the said Hudson and Wait grant may, within one year of the passage of this act, cause the lands, the title to which is legalized by the first section of this act, to be surveyed by the surveyor of Whitley county, or by a competent surveyor, who may be appointed for that purpose by the county court of said county, and certificates thereof, accompanied with plats or maps of the same, to be made and recorded in same manner as other surveys are required by law to be recorded, and

the same transmitted to the Register of the Land Office, who shall issue renewal grants for the same, in which the number and date of said Hudson and Wait grant shall be referred to, and such grant shall be operative as of the date of said Wait and Hudson grant. If said grants include other tracts held by other titles, the area and names of the owners or occupants shall be mentioned in the certificates and grants and noted on the plat. If the surveyor be other than the county surveyor, he shall take an oath to faithfully perform his duties under this act. The claimants shall file with the Register the title papers, or copies thereof, connecting them with said Hudson and Wait grant.

§ 3. That in all cases of the interference or conflict of grants or surveys made under the laws of the State to portions of the land covered by the Hudson and Wait grant, it is not intended by this act to determine the validity of such grants or surveys; but the several claims to the lands covered by them shall be determined by the courts of the country, under the same rules of law applicable to other titles held under the laws of the State: *Provided, however,* That where any person or persons have had the adverse possession of any portion or portions of said land for fifteen years or more, under such circumstances as would give right to the land in other cases, he or they shall not be deprived of the same by reason of the provisions of this act.

§ 4 This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1381.

AN ACT to amend the charter of the town of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sub-section 7 of section 36 of the charter of the town of Franklin, be amended by adding the words "and criminal," before the word "causes," in last line of said section.

§ 2. This act shall be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1382.

AN ACT to repeal certain sections of an act, entitled "An act to amend and reduce into one the acts relating to the incorporation of Pikeville, Pike county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections 1 and 3 of chapter 836 of an act, entitled "An act to amend and reduce into one the several acts relating to the incorporation of the town of Pikeville, Pike county," which was approved April 26, 1886, be, and the same is hereby, repealed.

§ 2. That this act take effect and be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1383.

AN ACT to incorporate Home Council No. 27, of Order of Ohosen Friends, at Paducah, McCracken county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Willam Greif, L. A. M. Greif, J. King Greif and Miss Mary B. E. Greif, Charles Reed, Henry

W. Meyers, N. F. Harmon, Thomas P. Potts, Mrs. Birdie Potts, William Cox, John H. McNulty, Alex. V. Griswold, A. F. Greer, Wm. S. Weaver, G. W. Wiser, G. V. Wagner, John C. Frogge, George R. James and Secunders S. Mitchell, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Home Council No. —, of Order of Chosen Friends; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have and use a common seal, and the same to alter or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said council to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws and regulations of the Supreme Council of the Order of Chosen Friends, nor in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend or repeal this act is hereby reserved to the General Assembly.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1384.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the town of Flemingsburg, Fleming county, Kentucky," approved April 29, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The said act be amended by striking out section 1.

§ 2. This act shall take effect from its passage.

Approved April 30, 1888.

CHAPTER 1385.

AN ACT to amend an act, entitled "An act to repeal the original charter and amendments thereto, and to make a new charter for the town of Morehead, in Rowan county," approved April 10, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all of section 2 of said act be, and is hereby, stricken out, and the following inserted in lieu thereof: "That the boundary and limits of the town of Morehead, Rowan county, Kentucky, shall be within the following boundary, namely: Beginning at the end of two poles south seventy-four and one-fourth east from two gum trees on the west bank of east fork of Triplett's creek; thence up the center of said creek a north-easterly course two hundred and twenty-five poles, to the center of the creek, and about four poles south forty-seven and one-fourth east of a leaning sycamore tree; thence north forty-seven and a half west one hundred and twenty-five poles to a black oak tree; thence south thirty-six west one hundred poles to a pine tree and stone, near the north-west corner of C. P. Terrill's lot; thence south sixty west eighty-six poles to a stone and small pine tree; thence south five west ninety-five

poles to the south-west corner of the late Col. John Hargis' barn and a stone; thence south sixty-five and one-half east ninety-four poles to a sycamore tree; thence south seventy-four and one-half east thirty-five poles to the beginning; and the said calls and boundaries shall constitute the said town of Morehead.

§ 2. That section 23 of said act be amended by adding the word "concurrent," just after the word "have" and before the word "jurisdiction," in the first line of said section 23; and by adding after the word "jurisdiction," in said line, and before the word "of," the words "with justices of the peace."

§ 3. That section 32 of said act be amended by striking out the word "retain," in the sixth line of said section, and inserting in lieu thereof the word "return."

§ 4. That the subsections seven, eight and twelve of section 38 of said act be, and the same are hereby, repealed.

§ 5. That section 39 of said act be, and the same is hereby, amended by striking out all the words between the word "purposes," in the fifth line of said section, and the word "said," in the eighth line of said section.

§ 6. This act shall be in force from and after its passage.

Approved April 30, 1888.

CHAPTER 1386.

AN ACT to legalize the grant of eight thousand acres of land lying in Whitley county granted to A. S. O'Bannon, Griffin Morgan and company.

WHEREAS, A grant was issued by the State of Kentucky to A. S. O'Bannon, Griffin Morgan and Company, for eight thousand acres of land, dated on the twenty-eighth day of January, 1862, in pursuance

of an actual survey made on the fifth day of March, 1851, under a Whitley county court warrant, duly paid for, in which grant the exterior boundaries are described, including a large number of surveys excluded from the operation of said grant, but which are not described with sufficient certainty to identify them; and whereas, said lands are now held by bona fide purchasers for valuable consideration paid, who have made large expenditure of money on same in developing coal mines; and whereas, doubts exist as to the validity of said grant; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said grant is legalized and hereby declared valid as includes and grants lands which are not covered by other grants issued by this Commonwealth, or by surveys made under the laws of this State, and which are held by persons claiming against the said O'Bannon, Morgan and Company grant.

§ 2. That the claimant or claimants under the said O'Bannon, Morgan and Company may, within one year from the passage of this act, have the portions of said land, the title to which is legalized by section 1 hereof, surveyed by the surveyor of Whitley county, or any competent surveyor, who may be appointed by the Whitley county court, to execute the provisions of this act, said surveyor being sworn to faithfully discharge his duty under this act, who shall make a plat and certificate of such survey or surveys, which will be recorded as other surveys are required to be recorded by law, and transmitted to the Register of the Land Office, who shall issue renewal patents in favor of the present holders for the lands described in such surveys, in which he shall refer to the number and date of the O'Bannon, Morgan and Company grant, which grants shall be operative as of the date of said O'Bannon,

Morgan and Company grant. The claimant or claimants under said grant shall file with the Register their title papers, or certified copies thereof, showing their connection with the said grant.

§ 3. That in all cases of the conflict of interfering grants and surveys to portions of the lands embraced in the said O'Bannon, Morgan and Company grant, this act is not intended to settle such conflicting grants or surveys not carried into grants, but the several claims under the same shall be determined by the existing rules of law of this State applicable to other titles held under the laws of this State: *And provided further*, That where any person has held possession of any portion of said lands for fifteen years or more, claiming the same as his own, under such circumstances as would give him title thereto in other cases, he shall not be deprived of the same by reasons of the provisions of this act.

§ 4. This act shall take effect from the date of its passage.

Approved April 30, 1888.

CHAPTER 1387.

AN ACT to amend the charter of the Texes and Mackville Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Texes and Mackville Turnpike Road Company be so amended as to allow said company to collect toll on their road for one and one-half gates.

§ 2. This act to take effect from its passage.

Approved April 30, 1888.

CHAPTER 1388.

AN ACT to amend an act, entitled "An act to provide for appointing and electing commissioners for the county of Boone, and defining their duties and the duties of other county officers whose duties are connected with the duties of said commissioners," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of said act, approved May 15, 1886, referred to in the title of this act, be, and the same is, amended by striking out the entire last sentence of said section.

§ 2. That said act be, and the same is, further amended by striking out section three.

§ 3. That section eight of said act be amended by striking therefrom, in the ninth and tenth lines, these words: "Which record shall be properly signed and dated by the commissioner making said order;" and that said section be further amended so as to require the presence of the county judge or clerk, as well as two commissioners, to form a quorum for transacting business.

§ 4. That section nine be amended by adding thereto these words: "It shall be the duty of the county clerk to keep short, correct minutes of the proceedings of each meeting of the board, and before an adjournment he or a commissioner shall read aloud the same to the board; and if the same be correct, they shall be signed by the county judge or by two of the commissioners; if not correct, correction shall be made and then signed. The county clerk shall then proceed to draw orders from said minutes, and enter upon the commissioner's record the said proceedings in full and proper form without delay; and when so drawn up, the same shall be carefully examined and signed by the county judge. For the purpose of keeping said minutes, the clerk shall pro-

- cure a suitable blank-book and preserve the same in his office.

§ 5. That section ten of said act be so amended as to require the presence of the county judge or clerk, with two of the commissioners, to constitute a quorum ; and that it be further amended by adding thereto these words, to-wit : "That if a quorum be not found at any meeting, those present may cause a rule or attachment to issue against absentees, returnable at such time as those present may agree to, and by such rule, attachment, and fine, proceed until a quorum is obtained.

§ 6. That section twelve of said act be amended by striking therefrom any duty of the board of commissioners in regard to roads and bridges, and that said section be further amended by adding thereto the following, to wit : "That the board of commissioners shall carefully examine into the condition of all the county buildings and property, and keep advised in regard thereto, and at all times keep the same in good repair and properly furnished ; and it shall be the duty of the said board to cause to be erected at the county seat, when they believe the same necessary for the use of the county, new county buildings, clerk's offices, court-house, jail, or any of them, or any other necessary county buildings, and to furnish and keep furnished the same suitable for the purpose designed, and in good repair, and when necessary, may purchase a suitable site for any such building ; and the board shall at all times give especial attention to and provide for the necessities, convenience and wants of the county in regard to its public building, and all appropriate power to effect that purpose is given said board, whether expressed in this act or not ; and when any county property or building is no longer needed, or becomes useless to the county, the commissioners may sell and convey the same, through such commission as they may appoint for the purpose. The county property and buildings shall all be under the control of the

commissioners, and the county jailer shall, at all times, be subject to the control and order of the board in his management thereof, and all suits or actions in regard to such property shall be brought by the county attorney, in the name of the board of commissioners; and no such suit shall be brought unless ordered by the board, and the same shall be controlled by it.

§ 7. That said act be amended further by repealing and striking out the thirteenth and fourteenth sections thereof, and by inserting in lieu thereof this section, as follows, to wit: "That the expenses of the county are, for convenience, now divided into two classes, and designated, one as the ordinary expenses and the other as the extraordinary expenses. The extraordinary expenses of the county shall include all bonds now owing by the county heretofore issued, and all the expense and costs of erecting, repairing, furnishing, fencing, protecting and preserving any county property, county poor-house, jail, clerk's office, court-house, and any other necessary structure, improvement or building for the county, or any of its officers or employes, and of supplying and taking care of the paupers of the county, and paying the keeper, commissioners, or other officers and employes of the county for its poor-house or other institutions, and for purchasing and improving a site for any such building. All other county expenses, debts and claims against it shall be classed as ordinary expenses. The board of commissioners are empowered to levy and cause to be collected, any and every year, a poll-tax on the tithes of the county sufficient to meet and discharge the ordinary expenses of the county for the year, including also the whole or any part of any debt or demand against the county due or owing before the passage of this amendment, excepting the said bonds heretofore issued, and also including any of the ordinary expenses of the county that may not have been paid any year previous to such levy. The extraordinary expenses of the county

falling due any year, and the money falling due each year on any county bonds as principal or interest, given to raise funds to erect any public building, or to pay any of the class or expenses classed as extraordinary, and all expenses of collecting and applying the same, may be raised by the levy of a sufficient tax for the year upon the property of the county subject to tax for the State revenue; and the board of commissioners is empowered to make such levy as may be necessary each year; or the board of commissioners may, if they choose, any year provide for the ordinary expenses by a levy upon the polls of the county, and upon the property of the county, in proportion as they choose; and they may likewise make such levy for taxes any year to meet the extraordinary expenses for the year, if they deem best; any levy shall include the cost of collecting and distributing the same. When the board of commissioners determine to erect any court-house, jail or other public building, or to incur any of the class of extraordinary expenses, or pay off any of that class of expenses, it may issue and sell bonds of the county sufficient to raise the sum of money necessary to effect, complete and carry out the purpose or purposes contemplated. The bonds may be ordered and issued by the board, in such numbers and denominational amounts, and at such interest, and mature at such dates as the commissioners deem best for the county, with interest payable annually or semi-annually, as the board deem best; each bond shall be numbered and state out of what tax or fund it is payable and be substantially in this form:

No. _____

BOONE COUNTY, KENTUCKY.

_____ day of _____, 18—.

_____ after date, the county of Boone
promise to pay to _____ or order
_____ dollars, with interest at the
rate of _____ from _____ till paid.

Interest payable _____
This bond is negotiable and payable at the county treasurer's office in Burlington, Kentucky, out of the funds raised for _____ to pay the county's _____ expenses for the year 18—. All parties to it, waive protest and notice of non-payment.

The blanks in said form shall be filled by the board to correspond with the order directing the issue, except the blanks as to date and name of the purchaser, and they shall be filled by the treasurer as hereinafter directed. The county clerk shall prepare the bonds according to the order of the board, and the same shall be signed by the county judge, and one, at least, of the commissioners, and countersigned by the county clerk, and kept by the clerk for delivery to the treasurer. The board shall order the said bonds sold for cash, publicly or privately, by the treasurer, and make such further orders in regard thereto as they see fit, and shall order the clerk to deliver them to the treasurer for sale, and the clerk shall deliver the same to the treasurer, with the orders in regard to their sale, and the treasurer shall receive and receipt to the clerk therefor, and proceed to make sale thereof, as ordered by the board; and he shall receive the proceeds of the sale of each bond, fill the blanks for the purchaser's name, by writing the name therein, and date the bond as of the day of sale, and such date shall be considered the date of the bond for all purposes of any payment thereon, and deliver it to the purchaser; but no bond shall be sold for less than its par face value, unless expressly so authorized by order of the commissioners. The treasurer and his sureties shall be responsible on his official bond for all moneys received by him on the sale of bonds or otherwise. The treasurer shall file with the county clerk a full report of sales of all bonds made by him, giving the names of each purchaser and each bond he purchased, the amount paid and date of sale, and the same

shall be preserved by the clerk and reported to the next meeting of the board, and then spread upon their record. The county clerk shall register all the bonds issued, before they are delivered to the treasurer, in a book to be kept by him for that purpose; and after the sale is reported, he shall from it make a note across the face of each bond, showing by whom and when purchased, and for what sum. The commissioners shall, by an order of record, direct the treasurer to pay off the said bond and interest as the same matures; and the treasurer shall so pay on the presentation to him of the said bonds by any one, whether the true owner or not, unless he has notice that the person so presenting it is not the owner thereof. On payment of any bond in full, it shall be delivered by the holder to the treasurer, and he shall immediately write across its face, in three places, the word Paid, with date of payment, and to whom paid, and sign his name thereto as treasurer, and also cancel it in like manner as bank checks are usually canceled; he shall keep said bonds so paid, and they shall be his vouchers. When any installment of interest shall be due and payable and ordered paid by the board on any bond, and the same is demanded by the holders of the bond, he shall pay the same and enter a credit therefor on the bond, and also take the holder's receipt therefor, and preserve the same as vouchers. The board of commissioners may, any year, if they choose, issue and sell county bonds to raise money enough to meet debts, demands and expenses, or any part thereof, due or accruing within the year against the county, coming within the class of ordinary expenses, or it may issue and sell bonds to meet such portion thereof as they deem just; and such issue and sale and payment shall be governed by this act; and the money realized shall be paid out by the treasurer as the board may direct, or the board may cause the taxes and levies for the ordinary expenses to be applied and appro-

priated as the same was done by the court of claims, and without passing through the treasurer's hands, or without selling bonds. The board shall elect a treasurer, to be styled "The Treasurer of Boone County;" he shall be a citizen of the county and of good character; he shall hold his office for two years from the date of his election, and until his successor is elected and qualified. The board shall, by an order on their record, fix the time when the first treasurer shall be elected; a successor shall thereafter be elected on same day every two years. The sheriff of the county is eligible to said office. The treasurer shall take an oath to faithfully perform his duties as treasurer, and give bond to the Commonwealth, with at least three good sureties, residents of the county, worth, after payment of their debts and exemptions, at least three times the amount in property in the county that will at any time, in the opinion of the board, be in the hands of the treasurer; conditioned that the treasurer will well and truly perform all his duties as treasurer, and promptly pay over all money that may come into his hands as the board of commissioners may direct, or as he may be directed by lawful authority; and that he will make all settlements of his acts as required by law or by the board of commissioners; and on the expiration of his term, or when he goes out of office, will deliver up all property, books, accounts, and moneys in his hands to the board of commissioners or to his successor, if the board so directs, and pay over all moneys in his hands as the board may order; which bond shall be taken and approved by the board, attested by the county clerk, and preserved by him with the county records in his office. On this bond suit may be brought by the county attorney in the name of the county for any breach thereof, when the county or commissioners are interested, and recovery had against the treasurer and his sureties for full compensation for the damages sustained and ten per cent. thereon and costs; any indi-

vidual or corporation injured by any breach of said bond may likewise sue thereon, and recover like damages and like per cent. and costs. The treasurer shall receive and safely keep and not use all moneys ordered to be paid to him by the board of commissioners, and all such as are paid over to him under any of the provisions of this bond by the sheriff or collecting officer or any one else, and to hold the same and pay it out as directed by the board, or as is made his duty by the provisions hereof, and perform such other services as required by this act or by the board of commissioners in pursuance thereof, or by the act hereby amended; and the board shall allow him annually reasonably for his services, not to exceed five per cent. of the money received and paid out by him, and his expenses incurred in the line of his duty as treasurer; and he shall settle his accounts, as often as required by the board, with it or with a commissioner appointed by the board. His settlement shall be entered on the record when approved by the board, and filed by the clerk in his office and safely kept.

§ 8. That section 15 of said act be so amended as to provide that the board, at any regular or called meeting any year, may make any of the levies of tax authorized by this act and the act amended by it; and if, having made any levy or levies any year, and they find the same insufficient, the board may thereafter, at any meeting, make such further levy or levies as will provide sufficient funds to meet the purpose desired; but no such levies shall be made after the tax-book for the year has been put in the sheriff's hands for the collection of the State revenue, except that in the event of the destruction or damage to some of the county buildings or property; in such event the board may make a levy at any time, and take all necessary steps under this act to rebuild, repair and restore to the county the necessary building and improvement, and may issue and sell county bonds, in accordance

with this act, to raise the sufficient funds to meet the emergency.

§ 9. That section 20 be amended by adding thereto the following: That the county judge is a member of said board as fully as the other commissioners, and may vote and take part in the proceedings accordingly. But his signature or attestation to any document or proceeding shall be in his official character as county judge. The county clerk, for his services as clerk of said board of commissioners, for every order he enters, and for each copy thereof, shall be allowed twenty-five cents, to be paid by the county and classed as ordinary expenses, unless the order is for a sum of less than five dollars.

§ 10. That this section be added to the said act, to-wit: That the sheriff of the county shall be the collector of all the levies and taxes authorized by this act, and he shall be given the collection of any levy or tax as soon as the order making such levy is certified and delivered to him by the county clerk or one of the board. He shall collect as he collects the State taxes, and at the same time, unless otherwise ordered by the board; and when so ordered he shall so collect. He shall pay over as he collects to the county treasurer such amounts as the board may order, and at such times as ordered; and he shall pay to such other persons or institutions on claims allowed, debts, etc., and such amounts and as the board may order. Such payments may be made on the presentation of the order of the board to him, certified by the board. He shall preserve for his vouchers in settlement all orders and receipts taken up on any payment, either to the treasurer or otherwise. He and his sureties on his general official bond shall be responsible to any one damaged for any failure to perform his duty under this act. He shall likewise be responsible to the county for any damage it may sustain by a breach of said bond, or by his failure to perform his duties under this act; and the county attorney shall, when

ordered by the board of commissioners, prosecute an action in the name of the county for such damages as the county has sustained, and ten per cent. thereon ; and the board may at any time require of the sheriff further bond and security, as they deem sufficient to secure the county and all persons from loss from any default or failure of the sheriff in regard to said levies and taxes as authorized under this act. Such bond shall be given in substantially the form and conditions like the bond given by sheriff for the collection of the county levy, and shall be taken and approved by the board and attested by the county clerk and preserved by him ; and the board of commissioners may cause the county attorney to institute appropriate action or proceedings thereon, or on his other bond, in the name of the county, for any failure of the sheriff to perform his duties under this act or to comply with said bond. Any person injured by a breach of said bond may recover thereon by action against the sheriff and his securities ; and in the actions provided for on said bond recovery shall be full compensation for the damages and ten per cent. thereon. If the sheriff fails to give such bond when required, the board shall appoint a county collector, who shall give such bond and security, or any other bond and security required by the board, and shall take an oath to perform all his duties as collector ; and he shall perform all the duties of sheriff under this act, and have all his authority, rights and compensation in collecting the levies and taxes ; and he and his securities shall be under the same obligations as the sheriff and his securities, and may be proceeded against in like manner. The board may fill any vacancy occurring in the office of collector and require such bond.

§ 11. That an appeal shall lie from any order or judgment of the board rejecting any claim when the amount so rejected is as much as ten dollars or over in value, and also in all other cases. The party

aggrieved shall file with the circuit court clerk a certified copy of the judgment or order complained of, and of the account or claim rejected, and the clerk shall issue summons thereon against the board of commissioners as a body, and docket the appeal on the common docket, and the action shall be tried as a common law action. The county attorney may in like manner prosecute an appeal in the name of the county against any one whose claim, demand or matter has been decided or ordered by the board prejudicial to the county ; but no appeal shall be taken except within sixty days after the order complained of. The summons on the appeal against the commissioners shall be served on the county attorney. The clerk of the county court may certify any order or proceeding of the board, and the same shall be evidence in all courts and places.

§ 12. This act shall be in force from its passage.

Approved April 30, 1888.

CHAPTER 1389.

AN ACT to amend an act, entitled "An act to incorporate the Madison and Southeastern Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be lawful for any corporate town or city, or for any county, or any precinct or district of any county, through which said railroad may be located, to subscribe such a sum as it may desire to the capital stock of said company whenever application shall be made to the county court, or to the corporate authorities of such town or city, requesting that the question of subscribing to the capital stock of the said company, upon the terms and conditions set forth in the application, be submitted to the vote of the legal voters of the said county, town, city, district

Submission of to
vote.

or precinct, it shall be lawful, in their discretion, for the corporate officers, if the application be to a town or city, and for the county court and a majority of the magistrates of the county, if the application be to submit to a vote of the county, district or precinct, to order an election to be held in such town, city, county, district or precinct, on a day to be named in such order, and to cause notice to be published of such election in a newspaper published in the county, and by printed notices posted at the court-house door and other places, giving not less than ten days' notice of such election; and at said election votes shall be received for the railroad subscription and against the railroad subscription. The election shall be held and the returns made in the same manner and by the same officers as provided by law for other elections in such town, city or county.

§ 2. If a majority of the legal votes cast were in favor of the subscription, the county judge, acting for such county, precinct or district, or the corporate officers of the city or town, shall subscribe, in behalf of such county, precinct, district, city or town, to the capital stock of said company, in accordance with the terms of the proposition voted on, and shall thereupon cause to be prepared and executed the negotiable bonds of the county, precinct, district, city or town for which the subscription was voted, and deliver the same to said company or its order, when it may be entitled to the same under the terms of the proposition voted on. If they are the bonds of a county, precinct or district, they shall be signed by the county judge and attested by the clerk, or their signatures engraved; if the bonds of a town or city, by the corporate officers, or their signatures engraved. Said bonds shall be made payable in not more than thirty years, and bear interest not exceeding six per cent., payable semi-annually.

Subscription if carried.

§ 3. An annual tax sufficient to pay the interest of Tax. said bonds and the principal when it shall become

due, shall be levied and collected and paid out by the officers of said county, town or city, as provided in the case of other taxes, the tax to be levied upon the town, city, county, precinct or district that voted upon the subscription; but there shall not be levied for any one year upon any county a greater tax than fifteen cents upon each one hundred dollars' worth of property in said county voting said tax, and the whole tax voted for in any district, precinct, city or town shall not be greater than fifteen per cent. of the taxable property. The provisions of this act shall not apply to the counties of Shelby and Jefferson, or city of Louisville; but said county of Shelby may contract with said company to build that part of the Cumberland and Ohio Railroad lying between Shelbyville and Eminence, which is now partially constructed, and may subscribe the unexpended bonds or taxes heretofore voted to the said Cumberland and Ohio Railroad for the purpose, first, to build and complete said unfinished balance; and if a surplus is left, to be expended in building any other part of said Madison and Southeastern Railway.

§ 4. No part of the tax that may be voted shall be paid until the said Madison and Southeastern Railway Company shall have built and completed their said road through the county, district or precinct voting same, or to the city or town voting the same; but when a tax is voted as before stated, the bonds shall be prepared and signed as herein directed, and held to be delivered when the said railway company shall have built its road as herein directed; and said railway company shall commence work in good faith in two years from the passage of this act: *Provided*, That the tax clause in this act shall not apply to Henry and Trimble counties.

Tax, when to be paid.

§ 5. This act to take effect from its passage.

Approved May 1, 1888.

CHAPTER 1390.

AN ACT to repeal, so far as the same applies to Mason county, chapter 8 of the Public Acts of 1878, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of chapter 8 of the Public Acts of 1873, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties," as applies to Mason county, be, and the same is hereby, repealed.

§ 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 1, 1888.

CHAPTER 1391.

AN ACT for the benefit of J. F. Lowe, ex-sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasurer in favor of J. F. Lowe, late sheriff of Kenton county, for one hundred dollars (\$100), to be paid out of any money in the Treasury not otherwise appropriated, in full satisfaction of the claim of said Lowe for money expended by him as such sheriff in the case of the Commonwealth of Kentucky against W. G. Terrill.

§ 2. That this act shall be in force from and after its passage.

Approved May 1, 1888.

CHAPTER 1392.

AN ACT to amend section 3 of an act, approved March 7, 1876, entitled "An act to incorporate the Farmers and Traders' Bank, in Owensboro."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 3 of an act, entitled "An act to incorporate the Farmers and Traders' Bank of Owensboro," be amended by striking out the word five in the third line of said section, and inserting the word six in lieu thereof.

§ 2. That this act shall take effect from and after its passage.

Approved May 1, 1888.

CHAPTER 1393.

AN ACT to incorporate the town of Clarkson, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Clarkson, in Grayson county, Corporation and limits. is hereby established and incorporated, and that the corporate limits of said town shall be as follows: Beginning at the residence of Dr. R. Cummings, better known as the old Brag property, located on the north side and near the line of the railroad track now operated by the Newport News and Mississippi Valley Company, about one-third of a mile east of the depot now located in said town of Clarkson, but to include the residence of said Cummings in said town; running thence nearly a south course, about one-third of a mile, to the residence of John H. Mullhall, on the Grayson Springs road, but so as to include said residence in said town; running thence near a north-west course,

about one-third of a mile, to the residence of James Patterson, on the Leitchfield road, but to include said residence in said town ; running thence a north-east course, about one-third of a mile, to the residence of W. C. Dentan, on the Glasgow road, but to include said residence in said town ; thence running a south-east course, about one-third of a mile, to the place of beginning.

§ 2. That D. Halley, T. O'Riley, James Langley, H. Trustees. Watkins, and H. W. Nichols, be, and are hereby, appointed trustees of said town ; and they shall hold their office until the first Saturday in June, 1888, and until their successors are elected and qualified ; and an election for trustees of said town shall be held on the first Saturday in June, 1888, and annually thereafter, at such place in said town as a majority of the trustees thereof may direct. Ten days' notice of said election shall be posted up at three of the most public places in said town preceding the day of the election. Oath of trustees.

§ 3. The trustees herein appointed by this act, and those who may hereafter be elected, before entering upon their duties as such, shall take an oath before a justice of the peace, or some other officer legally authorized to administer oaths, that they will faithfully discharge their duties as trustees of the town of Clarkson, and a short written statement or certificate of their qualification as aforesaid shall be entered upon their journal of proceedings, and be signed by the said official who shall administer said oaths, which statement and record so made shall be *prima facie* evidence of the qualification of said trustees.

§ 4. The trustees of said town shall elect one of their members chairman, and another clerk of said Chairman of the board, clerk and treasurer. body. They may also appoint one of their number as treasurer, and require him to give bond for the faithful performance of all his duty as such, payable to the Commonwealth of Kentucky, for the benefit of the said town of Clarkson. It shall be his duty to receive and pay out or properly account for all money

belonging to said town, from whatever source it may come, and he shall pay out no money except on the order of the trustees.

Corporate powers.

§ 5. The trustees of said town shall be a body-corporate, and by the name of the trustees of the town of Clarkson may sue and be sued; and they may appoint all necessary agents and attorneys in that behalf; they shall have the right, from time to time, to make and adopt such a code of by-laws and ordinances as they may consider best for the good government of said town, and for the security of the peace, morals and health of its citizens, the same not to be inconsistent with the Constitution or general laws of Kentucky; and they may prescribe and adopt such penalties, in the way of fines, imprisonment and hard labor on the streets and public roads of said town, for a violation of any of the by-laws and ordinances of said town, as they may think proper: *Provided*, The said fines or other punishment, as above named, shall not be greater than that imposed by the Commonwealth of Kentucky for similar offenses; and the said trustees shall have full power to prescribe reasonable penalties and punishments, in the way of fines, imprisonment and hard labor, for a violation of any of the said by-laws and ordinances, though no similar penalties be prescribed by the general laws of the State; and the imprisonment herein mentioned may be in the jail of Grayson county, or in a "lock-up" to be built and maintained by the said trustees in the said town of Clarkson.

Meetings of trustees.

§ 6. The said trustees of the said town may adopt a regular time of meeting as often as they shall think proper; and may have a meeting at any time on a call of the chairman, or at least two other members of the board. They shall keep a record of all their proceedings in a journal to be kept by their clerk, which record shall be open at all times for inspection by the citizens of said town, and by other parties having an interest therein.

§ 7. That there is hereby established in said town Police court. of Clarkson a police court, the officers of which shall be a judge and marshal, to be called the police judge and marshal of the town of Clarkson.

§ 8. The said police judge of the town of Clarkson Police judge. shall have general and concurrent jurisdiction for the trial of all matters, whether civil, criminal or penal, with the justices of the peace of Grayson county, and shall have the same fees for the same services, to be paid and collected in the same manner as is prescribed by law for the fees for justices of the peace ; and he shall have exclusive jurisdiction for the trial of all violations of the by-laws or ordinances of said town of Clarkson, and his fees for the same shall be the same as for other like services ; and in case he shall, for any cause, be disqualified from serving, or shall fail to serve on the trial of any one charged with a violation of any by-law or ordinance of said town, then it shall be the duty of the chairman of the board of trustees of said town to preside in his place, and on his disqualification or failure to serve as aforesaid, the trustees shall by vote designate one of their number to preside at said trial, said member or chairman to have all the power of the police judge in said cases ; and no jury shall be allowed on a trial for the violation of any by-law or ordinance of said town ; but the police judge, or other officer herein named, shall in person hear and determine the guilt or innocence of all persons accused before them, and shall enter and enforce their own judgments by proper orders to be entered on the docket or order-book of the said police court.

§ 9. J. A. Powell is hereby appointed police judge Name of police judge. of said town, who shall hold his office until the first Saturday in June, 1888, and until his successor shall Term of office. be elected and qualified ; and before he or any successor shall enter upon their duties of said office, he shall receive a commission from the Governor of the State similar to the commission of a justice of the

peace, which shall be filed and preserved in the county clerk's office, and shall be duly recorded by said clerk, for which he shall receive a fee of one dollar, and he shall also take the oath of office in the same manner required of a justice of the peace.

Duty of town
marshal.

§ 10. The town marshal of said town shall have the same power, authority and duties incumbent on him as is on constables of this Commonwealth, and shall receive like fees for like services, collectable in the same manner; and J. H. Mulhall is hereby appointed town marshal of said town, and he shall hold his office until the first Saturday in June, 1888, and until his successors is elected and qualified; and before he or any of his successor shall enter upon the duties of said office, he shall qualify in the county court by executing bond and taking the oath in the same manner required of constables.

Elections.

§ 11. On the first Saturday in June, 1888, at the same time a board of five trustees shall be elected for said town, an election shall also be held for police judge and town marshal of said town, and they shall hold their office for two years, and until their successors shall be elected or appointed and qualified; and on every second year thereafter a similar election shall be held for the election of said judge and marshal, their term of office being two years each.

Vacancies.

§ 12. If, for any cause, there shall become a vacancy in said board of trustees, or in the said offices of police judge or town marshal of said town, the said board of trustees, a quorum thereof being present, may appoint a person, a male citizen, to fill said vacancy, in either of said offices, until the next regular election, and a record of such appointment shall be made on the journal.

Eligibility.

§ 13. No person shall be eligible to the office of police judge, town marshal or trustee of said town unless he be a citizen of said town, and a legal voter thereof, as prescribed in the next section hereof.

§ 14. No person shall vote in any election in said

town unless he be a citizen thereof, and shall reside therein, and duly qualified to vote for Representative under the Constitution and laws of the State of Kentucky. Who are legal voters.

§ 15. All elections herein named shall be held by the chairman and clerk of the said board of trustees, who shall, before holding any election, take an oath to faithfully discharge their duties. They shall certify the election, and give a certificate of election to the police judge and town marshal, and to the five persons receiving the highest number of votes for trustees, and shall make out and sign a general statement of the vote cast for each officer, and have the same recorded on the journal to be kept by the trustees. If, for any cause, the said chairman and clerk, or either, shall be disqualified from holding said election, the trustees of said town shall have the power to fill the vacancy by the appointment of any other citizen or citizens of said town. All returns of the election shall be made within ten days after the same has been made. Elections, by whom held.

§ 16. The proceedings of the said board of trustees of each meeting shall be publicly read, and shall be signed by the chairman and clerk present holding said meeting, and the records so made and signed shall be conclusive evidence for all purposes, the same as any other record. Proceedings of board.

§ 17. All processes issued by the police judge of said town for a violation of any by-law or ordinance thereof, shall be in the name of the Commonwealth of Kentucky, for the benefit of the town of Clarkson, and all fines or punishments for a violation thereof, and for any breach of the peace or other misdemeanor committed within the corporate limits of said town, shall be for the benefit of said town of Clarkson, and shall be paid to the treasurer thereof. Process.

§ 18. It shall be the duty of the trustees of said town of Clarkson to keep the streets and alleys and public roads within the corporate limits of said town Streets and alleys.

in good order, and to that end they may cause them to be worked in the same manner that the public roads of the county are worked; and any person who may be required to assist in said work, who shall fail to attend and do good work, after having been notified as in case of working roads, shall be liable to a fine of two dollars and fifty cents for each day he shall so fail to work, to be recovered before the police judge of said town.

§ 19. The said trustees shall appoint a street and road surveyor of said town, who shall be under all the responsibilities of road surveyors of Grayson county: *Provided, however*, Said trustees shall have the right to use any or all public money belonging to said town, arising from any source, towards the working of said streets, alleys and roads, by hiring labor to perform the same, under the supervision of the said surveyor of said town; and said trustees may levy and cause to be collected an annual tax, not exceeding one dollar on each poll, and not exceeding twenty-five cents on each one hundred dollars' worth of taxable real estate located in said town, and on all the personal property of every kind owned by the citizens of said town, for the purpose of aiding in keeping the said streets and alleys and roads in good order; and whenever the said work shall be done by means of the hire of labor as is herein provided, under the supervision of the surveyor, the latter shall be paid a reasonable compensation for his services, to be allowed him by the trustees.

§ 20. For the purpose of collecting said tax, the trustees may appoint an assessor to take a valuation of the taxable property of said town as of date January first of the year so taken, which list of property shall be returned to the board of trustees of said town, who shall have power to hear proof and revise the list, adding to or reducing the assessed value in any case wherein they think right and proper.

§ 21. The marshal of said town, by virtue of his

office, shall be the tax collector of said town, and he Tax collector. shall be responsible on his official bond therefor; and he is hereby given all power and authority to distrain and levy on and sell property, real and personal, for the payment of said taxes that is conferred by law on the sheriffs in the collection of the State revenue.

§ 22. All persons living within the corporate limits Working of roads exemption from. of said town of Clarkson shall be exempted from working the roads outside of said incorporated limits.

§ 23. This act to take effect from date of its passage.

Approved May 1, 1888.

CHAPTER 1394.

AN ACT to authorize the present judge of Lawrence county to sign unsigned records of the Lawrence county court.

WHEREAS, It has been made known to the General Assembly that the late county judge has failed to sign the orders of the county court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present county judge of Lawrence county be, and he is hereby, authorized to sign any and all unsigned records of the Lawrence county court, when he shall become satisfied that the same was made and entered at the proper time.

§ 2. That when the records so signed shall be offered in evidence or used in any other way, the same shall be as binding and legal in all trials or proceeding as if signed by the judge who presided at the time the same was made and entered.

§ 3. That this act shall take effect from its passage.

Approved May 1, 1888.

CHAPTER 1395.

AN ACT to amend an act, entitled "An act to provide for appointing and electing commissioners for the county of Boone, and defining their duties, and the duties of other county officers whose duties are connected with the duties of said commissioners," approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section twelve (12) of the act approved May 15, 1886, chapter 1184, be, and the same is hereby, repealed, and the following section substituted in lieu thereof: "It shall be the especial duty of the appointed and elective commissioners to take charge of the county buildings and property of every description; also all county roads and bridges in said county, and preserve the same from waste. Whenever it is necessary to build or repair any bridge or the approaches thereto on any county road, said commissioners shall immediately cause said bridges and approaches to be erected or repaired, and levy the cost of the same upon the county in manner as follows, to wit: At the time of making the annual levy as provided in section fifteen (15) of said act, the said commissioners shall levy an especial tax upon the real estate of the county not to exceed seventy-five (75) cents in any one year upon each one hundred (\$100) dollars' worth of real estate within one (1) mile of the proposed site of said bridge or approaches; sixty cents (60) upon each one hundred (\$100) dollars' worth of real estate in any one year within two (2) miles of said proposed site, and ten (10) cents in any one year upon each one hundred (\$100) dollars' worth of real estate in the remaining portion of the county. The said especial tax, as assessed by the said commissioners, shall be collected by the sheriff of the county of Boone, or his deputies, in the same manner, and at the same time, and subject to the same laws for the collection of State

and county taxes, as other taxes assessed by the said commissioners are.

§ 2. This act shall be in force from and after the date of its passage.

Approved May 1, 1888.

CHAPTER 1396.

AN ACT to incorporate the Bank of Fredonia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created and established Corporate name. in the town of Fredonia, in this State, a bank, which shall be a body-politic and corporate, by the name of the Bank of Fredonia ; and by that name shall have the power to sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and break, alter or change same at pleasure.

§ 2. The capital stock of said corporation shall be Capital stock. fifty thousand dollars, divided into shares of one hundred dollars each ; but the capital stock may, at a meeting called or appointed for that purpose, be increased by a vote of the stockholders to any amount not exceeding one hundred thousand dollars, two-thirds in value of the stock voting in favor of such increase. The stock shall be personal estate, and transferable on the books of the corporation in such manner as may be prescribed by the by-laws.

§ 3. The property, business and management of said Directors. corporation shall be under the control of a board of seven directors, each of whom shall be residents of this State, and owner, clear of incumbrance or lien, of not less than five shares of stock in said corporation. The directors shall be elected annually by the stockholders at a meeting (after the first) to be held

on second Monday in January ; the first meeting for that purpose may be held at any time to be fixed by the commissioners hereinafter named. All meetings of stockholders and directors shall be held in the said town of Fredonia. The first directors elected shall hold their office until the second Monday in January next after their election, and until their successors shall be elected and enter on discharge of their duties. Directors subsequently elected shall hold their office for one year, and until their successors shall be elected and enter on discharge of their duties. They shall elect one of their number president, who shall be president of the bank, and may appoint such other officers and agents as may be necessary in the management of the business of said bank, and shall fix their salaries and prescribe their duties, and shall take bond of them in such sum as they may fix, conditioned for the faithful discharge of their duties. Each director and officer shall, before entering thereon, be sworn to faithfully discharge his duties. The board of directors shall have power to issue and sell unsold stock in such quantities as may be directed by resolution of the stockholders at any meeting of same, and shall issue certificates for all stock when fully paid for. They shall have power to adopt and enforce by-laws, not inconsistent with the Constitution or laws of this State or of the United States, for the government of the bank, and may remove any officer or agent. Any vacancy in the board of directors may be filled by the remaining members until the next regular election. The board may declare dividends, from time to time, from actual earnings.

President and
other officers.

By-laws.

Commissioners
may open books.

§ 4. J. E. Crider, S. H. Cassidy, W. C. Rice, W. J. Dollar, Z. J. Crider, W. S. Dycus and John W. Rice, are hereby appointed commissioners, any two or more of whom may open books and receive subscriptions for the capital stock of said bank ; and when two hundred and fifty shares of same shall have been, in

good faith, subscribed for, they, or a majority of them, shall call a meeting of the subscribers for the purpose of electing a board of directors; which board, after being so elected, shall organize, as provided in this act; and after twenty thousand dollars of the capital stock shall have been paid in, may commence business.

§ 5. Said bank may acquire, own, hold and use such real and personal property as may be necessary for the carrying on of its business, and any real estate or property may be conveyed or pledged to it to secure payment of debt or liability to it, and may purchase and receive the conveyance of any real or personal estate or property in payment, in whole or in part, of any debt or liability, judgment or decree, and may sell, convey, or otherwise dispose of same: *Provided*, It shall not hold or own any real estate, other than such as may be necessary for the carrying on of its business, for a longer period than five years.

§ 6. Said bank may receive deposits, loan money, General business discount bills and notes, purchase notes, obligations and negotiable paper; may take and hold, as security for any loan or liability, stocks, bonds, notes and certificates, or other evidences of indebtedness, and may sell or dispose of same as may at the time be authorized by law. And for any debt or liability it may take personal surety, either in addition to, or without the other security named in this and the next preceding sections. Promissory notes payable at its banking-house or other bank, and inland bills of exchange which may be discounted by said bank, shall be upon the footing of foreign bills of exchange.

§ 7. Private property of stockholders shall not be liable for corporate debts or liabilities.

§ 8. The indebtedness and liabilities of the bank, other than for deposits, shall at no time exceed the paid in capital stock.

§ 9. The Commonwealth of Kentucky shall have the right at any time, through its officers or agents, to

examine into the condition, affairs and management of said bank, and to amend or repeal this act at pleasure.

§ 10. This act shall be in force from its passage.

Approved May 1, 1888.

CHAPTER 1397.

AN ACT to incorporate the town of McAfee, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the section of country known as McAfee, in Mercer county, Kentucky, be, and the same is hereby, incorporated as a town, to be designated and known as the town of McAfee, in Mercer county, with corporate limits to the same to be fixed by the trustees of said town, which shall be recorded in a book to be kept by them, and also recorded in the clerk's office of the Mercer county court; and may extend, but shall not exceed, one mile in any direction from the center of said town.

§ 2. There shall be elected annually, on the first Saturday in July, by the legally qualified voters, citizens of said town, five trustees for said town of McAfee, with perpetual succession, who, in their corporate name as aforesaid, shall have power and capacity to sue and be sued, implead and be impleaded, grant and receive, by their corporate name, and do all other acts as natural persons may do; and as such may make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution or laws of the State or United States; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit, the improvement of said town and its good government. One of said trustees, to be by them chosen, shall be president of the board, but a majority may act.

§ 3. If deemed necessary by the board of trustees, there shall be elected, biennially or annually, on the first Saturday in July, by the legally qualified voters, citizens of said town, a police judge and town marshal, Police judge and marshal. to be styled police judge and town marshal of the town of McAfee. The police judge to have the same jurisdiction, power and capacity, entitled to the same fees and emoluments, and subject to the same liabilities and responsibilities, as a justice of the peace for Mercer county. The town marshal to have the same power and capacity, entitled to the same fees, and subject to the same duties, liabilities and responsibilities, as a constable of Mercer county. The police judge to be commissioned by the Governor of this State; the town marshal to execute bond in the Mercer county court, with security to be approved by the court, with same conditions and penalties as the bond of a constable.

§ 4. Said trustees shall have power to levy a tax on Taxes. all persons living in said town, or owning property in the corporate limits, not exceeding twenty cents on the one hundred dollars' worth of property ad valorem; also, power to impose a poll-tax of not over one dollar on each male citizen over the age of twenty-one years, all to be applied to meet the expenses incident to corporation, such as payment of salaries, street repairs, etc. And all fines and forfeitures are to be applied by the trustees in such manner as will be beneficial to the town.

§ 5. That W. W. Davis, I. C. Riker, Geo. Dunn, Dr. J. Lapsley and Wm. Vanarsdale, are hereby appointed trustees of said town, and shall hold office until the first Saturday in July, 1888, and until their successors are duly elected and qualified. Said officers, including the trustees, shall, before they enter upon the duties of their office, take the oath prescribed by law.

§ 6. This act shall take effect from and after its passage.

Approved May 1, 1888.

CHAPTER 1398.

AN ACT to incorporate the Georgetown Street Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Webb, W. Z. Thomson, Ab. Sinclair, Eugene Rucker, G. V. Payne and S. M. Davis, be, and they are hereby, created a body-politic and corporate, under the name and style of the Georgetown Street Railroad Company; and as such may sue and be sued, have a common seal, and are hereby invested with such powers as are not inconsistent with the laws of this State and the United States, which may be necessary to carry on successfully the business of the company.

§ 2. The capital stock of said company shall not exceed ten thousand dollars; but upon the subscription of two thousand dollars to its capital stock, said subscribers and stockholders may meet and organize by the election of not more than five directors, and said directors, so chosen, may elect a president and such other officers as they may deem proper. The capital stock may be divided into shares of twenty-five dollars each, and the certificates of stock shall be signed by the president and secretary, and may be transferred on the books of the company in the manner to be prescribed by the by-laws of the company.

§ 3. Said company shall have the right to construct and operate a street railway from the depots of the Cincinnati Southern Railway in Georgetown, to such point or points in Georgetown as said company may determine, and to use the streets of said town of Georgetown, and occupy the same with the tracks of said railway, upon such reasonable conditions as may be imposed by the board of trustees of said town.

§ 4. This act may be amended, altered or repealed at the pleasure of the General Assembly.

§ 5. The company shall begin work in good faith within two years from the date of this charter.

Approved May 1, 1888.

CHAPTER 1399.

AN ACT to empower the county court of Powell county to build bridges across Red river, and to issue bonds to pay for the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Powell county, a majority of the justices of the peace being present and concurring therein, is hereby authorized and empowered to erect two bridges across Red river, in said county, at such points as said court shall designate, at a cost of not exceeding six thousand dollars for each bridge.

§ 2. That said court shall issue and sell the bonds of said county for that purpose, and it may appoint a commissioner, or the county judge of said county, to sell said bonds. Said bonds to be of such denomination, and to be due and payable at such time, as said court shall direct, and shall bear no greater rate of interest than six per cent. per annum ; shall not be sold for less than their par value ; which bonds shall be signed by the county judge and attested by the county clerk, and shall not be binding unless so signed and attested.

§ 3. The provisions of this act shall not become operative until the proposition to build said bridges shall be submitted to and approved by a majority of the legal votes cast at an election to be held at each and all of the voting precincts of Powell county, on a day to be fixed by said court, which election shall be held between the hours of seven o'clock A. M., and six o'clock P. M., on the day so fixed by said court, all persons being entitled to vote at said election who on

that would be eligible to vote for Representatives in the Legislature. The clerk of the county court shall prepare the poll-books for the election, heading one column "For the erection of the bridges," and the other column "Against the erection of the bridges," and the votes shall be recorded as the voters may express themselves; the questions to be asked the voters: "Are you for the erection of bridges?" or "Are you against the erection of bridges?" The officers of the election shall be appointed as under existing law in reference to general elections, and the poll-books shall be returned and be compared in the same manner. If a majority of the votes cast at said election are in favor of the erection of said bridges, the examining board shall so certify, and the clerk of the county court shall at once record the same in his office, and then the provisions of this act shall be in full force. Twenty days notice of said election shall be given by the sheriff or the county judge, by written or printed notices in each of the precincts of the county: *Provided, however,* That a failure to give such notice shall in no way affect said election, if held and said vote taken.

§ 4. That for the purpose of paying off said bonds and interest, said court may levy an ad valorem tax, of not exceeding fifty cents. in any one year, on each one hundred dollars' worth of taxable property in said county, and a per capita tax of not exceeding one dollar in any one year on each tithe in said county, to be collected, accounted for, and under the same responsibilities as other county taxes are now required by law to be collected and accounted for.

§ 5. This act shall take effect and be in force from and after its passage.

Approved May 1, 1888.

CHAPTER 1400.

AN ACT to prohibit the running at large of hogs in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the passage of this act, it shall be unlawful for any person or persons to permit or allow their hogs to run at large upon the public highways or roads in Greenup county, or upon the streets, by-ways or alleys of any incorporated town in said county.

§ 2. That for any violation of the provisions of this act, the party so offending shall, upon conviction thereof, be fined in any sum not less than five nor more than twenty dollars, recoverable in any court of competent jurisdiction.

§ 3. That a lien is hereby created in favor of the Commonwealth upon said stock so running at large, for the payment of any fine and costs of prosecutions assessed under this act, which, if not paid within five days from the rendition of the judgment, shall be enforced by execution, and, when collected, shall be paid over to the trustee of the jury fund.

§ 4. This act shall take effect and be in force from and after its passage.

Approved May 1. 1888.

CHAPTER 1401.

AN ACT to require the Kentucky Central Railroad Company, and its assigns, to provide safety-gates, and to keep a watchman at the crossing of its road over the Paris and Winchester Turnpike Road, at Paris, Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the Kentucky Central Railroad Company, and its assigns, to provide

and keep safety-gates, and a watchman stationed every day from six o'clock A. M., until six o'clock P. M., at the crossing of the Kentucky Central Railroad over the Paris and Winchester Turnpike, at Paris, Bourbon county.

§ 2. For every day after June 1, 1838, that the said Kentucky Central Railroad Company, or its assigns, shall fail to have safety-gates, or a watchman, at the place designated in the first section hereof, said company shall be fined not less than ten, nor more than fifty dollars, to be recovered by indictment in the Bourbon circuit court.

§ 3. This act shall be in force from and after its passage.

Approved May 1, 1838.

CHAPTER 1402.

AN ACT to incorporate the Brandenburg Natural Gas-light, Fuel and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Richardson, Jr., A. W. Moreman, Z. T. Herndon, George H. Casperke, John Frakes, their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the Brandenburg Natural Gas-light, Fuel and Manufacturing Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded; to take, hold, own and in anywise alien property, real, personal and mixed; to have a common seal, and alter the same at pleasure; and to make rules and regulations, and to establish by-laws for the management of the affairs of said company, not inconsistent with the Constitution or laws of this State or of the United States.

§ 2. The affairs of said company shall be managed Management. by a board of directors of not less than five nor more than nine members, who shall be elected for one year, and until their successors are chosen and qualified. The incorporators named herein shall be the first board of directors, and shall hold their office until the first Monday in April, 1889, when their successors shall be elected, and annually thereafter, at a meeting of the stockholders of the company, held in the town of Brandenburg, they shall elect a president and vice-president, who shall be, and a secretary and treasurer who may be, members of the board. All meetings of the board shall be called by the president, or in his absence, by the vice-president, or in the absence of both, by a majority of the board of directors; said board of directors shall prescribe the powers, duties and compensations of all its officers.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid in at the times and upon the terms, and transferable in the manner, to be prescribed in the by-laws of said company, and which may be increased not exceeding — dollars.

§ 4. That the business of said company shall be to Business. furnish the town of Brandenburg and its inhabitants, and persons and manufactories located near said town, with natural gas for illuminating and heating purposes; and to that end are hereby empowered to drill, bore, or in anywise sink and maintain wells for producing such natural gas, and to construct, lay, maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, warehouses, manufactories, and any other improvements and appliances by means of which such gas may be produced, stored, sold, utilized or distributed; and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, dis-

tribution, storing, sale and utilization of the products of said company ; and may charge therefor such price and compensation as may be agreed upon between said company and the individuals or corporations contracting with it ; and in aid of its object, it may acquire and hold such real estate as may be necessary for the location of any of its works, and the carrying into effect the purposes of its organization.

Cities and towns. § 5. With the consent of the board of trustees of the town of Brandenburg, said company shall have power to open the ground in any street, park, lane, or other public place within its limits, and lay therein, remove, alter, maintain and repair such pipes for so conducting and distributing, for purposes of heating and illumination, said natural gas, restoring such ground, however, and any pavement or other improvement thereon, to as good condition as before, within a reasonable time thereafter.

Powers. § 6. Said company shall have power to acquire, by purchase, gift or condemnation, as provided herein-after, the use of any land to lay, maintain and repair such pipes, and any buildings, retorts, and any other apparatus needed to be used in order to the proper and economical conveyance of gas as aforesaid ; said company may, by *ad quod damnum* proceedings, condemn such land as it may fairly deem necessary therefor, to be valued, condemned and paid for in the manner prescribed by an act, entitled " An act to prescribe the mode condemning lands for the use of railroad and turnpike companies," approved April 11th, 1882.

§ 7. The principal place of business of this company shall be in the town of Brandenburg, Meade county, Kentucky.

Private property § 8. The private property of its stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act to take effect from its passage.

Approved May 1, 1888.

CHAPTER 1403.

AN ACT to incorporate the Meade County Central Natural Gas and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Junius A. McGehee, E. H. Shellman and Incorporators. Dr. John M. Hardin, their successors, associates and assigns, be, and they are hereby, created a body-corporate, under the name and style of the Meade County Central Natural Gas and Mining Company; and by that name shall have perpetual succession, and made capable in law of acquiring and owning such real and premises as are necessary for the purposes of this corporation, and selling and conveying the same; and to contract and be contracted with, to sue and be sued, in any court of this Commonwealth, or in any place whatsoever; and to adopt and use a common seal, which may be altered at pleasure; also to establish and ordain such by-laws as may be necessary or convenient for the government of said corporation, not inconsistent with the laws of this State or of the United States.

§ 2. The capital stock of said corporation shall be Capital stock. one million dollars, divided in shares of one hundred dollars each, and subscribed for in such manner and paid in at such times, and upon such terms, and transferable in the manner to be prescribed in the by-laws of said company.

§ 3. The incorporators named herein shall be the Organize. first board of directors, who shall act until a meeting of the stockholders of said corporation, which shall be held within thirty days after one hundred thousand dollars is subscribed for and paid in. The directors so chosen shall serve for one, and until their successors are elected and qualified. Said directors shall elect a president, vice-president, secretary and treasurer. All meetings of the board shall be Meetings.

called by the president, or in case of his absence, for any cause whatever, by the vice-president, or in the absence of both, by a majority of the board of directors. The board of directors shall prescribe the duties and compensation of its president and other officers of said company. In all meeting of the stockholders, they shall vote in proportion to their stock, in person or by proxy, duly authorized and signed by them in writing. The secretary of said company shall give the stockholders ten days' notice of all meetings of stockholders.

Powers.

§ 4. Said company is empowered to develop, produce, utilize, convey and sell, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, cement rock, clay, sand, or any of them which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts mentioned in this section, it may have or acquire the right; and to these ends said company is empowered to drill, bore, or anywise sink and maintain wells for purpose of producing such natural gas, petroleum, and salt water, or either; and construct, lay, maintain, and operate derricks, buildings, machinery, tanks, pipes, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances by means of which such natural gas, petroleum, and salt water, or either, may be produced, stored, distributed, sold, or utilized; and to construct, lay, and operate conduit pipes of any kind, and any other suitable means for the conveyance, distribution, storing, sale, and utilization of the same, either upon, under, to or from any of said lands or other places.

Cities or towns

§ 5. Said company shall, with the consent of the general council or board of trustees of any city or town, have power to open the ground in any street, alley, park, lane, or other public places within its limits, and lay therein, remove, alter, maintain, and repair such pipes, for so conducting and distributing,

for purposes of heating and illumination, said natural gas, petroleum, or salt water, restoring such ground and any pavement, or other improvement thereon, to as good condition as before, within a reasonable thereafter; and in doing the acts mentioned in this section, said company shall cause no injury to any gas or water-pipe, or connection, or sewer, laid within the ground.

§ 6. This company may consolidate with any other company or companies engaged in the development of natural gas, etc., in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed upon between the parties. That said company may convey such natural gas, petroleum, and salt water to any city, town or manufactory within this Commonwealth; they shall have the power to acquire by purchase, gift, or condemnation, the use of any land that said company may select by its directors to lay, maintain, and repair such pipes, and any buildings, or any other apparatus needed to be used in order to the proper and economical conveyance of gas, etc., as aforesaid; and in order to such acquisition by such *ad quod damnum* proceedings of such use of lands, said company shall only use so much land as it deems necessary therefor, to be valued, condemned and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April 11, 1882.

§ 7. The principal place of business of this company shall be in the town of Brandenburg or the city of Louisville, as the directors, from time to time, may agree.

§ 8. Private property of stockholders and officers shall be exempt from corporate debts and liabilities.

§ 9. This act shall take effect from its passage.

Approved May 1, 1888.

CHAPTER 1404.

AN ACT in reference to the revenue of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Jefferson county be, and is hereby, directed annually, thirty days after sale by the sheriff for State taxes, to deliver to the back-tax collector of said county, without levy, sale or advertisement, all unpaid tax bills due to said county, and the sheriff shall be allowed thirty cents for each list so returned.

§ 2. Said back-tax collector is hereby empowered and directed to collect said unpaid bills, when necessary, by suit and attachment in any court of competent jurisdiction, or by levy and sale without suit, where taxes are due on personal property, residuary or poll tax. In cases where tax is on real estate only, and no personal property can be found, said realty shall be levied on and sold after giving the owner or agent fifteen days' notice of time and place of sale. In cases of owner being a non-resident, and no agent in this State, fifteen days' notice, published in some paper published in said county, shall be sufficient notice to said delinquent. All further proceedings in reference to sale and transfers of property sold for taxes shall be the same as now in force. All costs incurred in the collection of taxes under the provisions of this act shall be paid by the delinquent.

§ 3. The provisions of this act in reference to delinquent tax lists shall apply to the list returned for the year 1885 and all subsequent years.

§ 4. The sheriff is directed to pay to the county treasurer the amount due said county for taxes within five days after the commissioner or treasurer shall have examined his annual settlement and ascertained the amount due said county. The dates of previous payments to remain as now made and provided.

§ 5. All acts or parts of acts in conflict with this act are hereby repealed.

§ 6. This act to be in force from and after its passage.

Approved May 1, 1888.

CHAPTER 1405.

AN ACT to incorporate the Red Lick Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed and created a body corporate and politic, under the name and style of "The Red Lick Turnpike Road Company," for the purpose of constructing a turnpike road, beginning at a point near the residence of R. T. Cox, on the Richmond and Big Hill Turnpike; then the most practicable route down Joe's Lick branch and Red Lick creek, at or near the Estill county line; to have perpetual succession, and by the aforesaid name and style may sue and be sued, contract and be contracted with, plead and be impleaded, in any of the courts of this Commonwealth; may use and have a common seal, and may alter or amend the same at pleasure.

§ 2. The capital stock of said company shall be ten thousand dollars (\$10,000), and may be increased or diminished at the pleasure of the company, and shall be divided into shares of twenty-five dollars each.

§ 3. That Peter Bartlett, R. T. Cox, Marion Hill, James Bartlett, William Todd and Erasmus Todd, be, and are hereby, appointed commissioners, whose duty it shall be, or any one of them, to open books for the subscription of stock; and as soon as one thousand dollars is subscribed they shall give ten days' notice for a meeting of the stockholders for the purpose of electing a president and four directors, a majority of

Management.

whom shall be competent to do the business, and do all things authorized by this act to be done by the president and directors; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually at such time and place as said president and directors may from time to time appoint, who shall continue in office for one year, and until their successors are elected and qualified.

Eligibility.

§ 4. That no person shall be eligible to the office of president or director who is not the owner of one or more shares of stock in said road; and at an election of said officers, each stockholder shall be entitled to one vote for each share of stock so owned, and may be cast in person or by written proxy.

Officers.

§ 5. The president and directors shall have the power of appointing a secretary, treasurer and gate-keeper, and all other officers or agents which may be deemed necessary to effect the purpose of this act, and to remove them at pleasure. They shall have the power to require the treasurer, and all other officers or agents appointed by them, to execute bond and security in such sums as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

Subscription books.

§ 6. The commissioners herein appointed, or any one of them, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said books, namely: We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Red Lick Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be by them required under the law incorporating the company, to be collected as other debts. Witness our hands this the — day of —, 1888.

§ 7. That said road shall not be less than sixteen ^{Grade, etc.} feet grade, and the metal broken not less than twelve feet wide; the depth of the broken metal to be not less than ten inches; the top dressing of four inches, to be broken to pass through a three-inch ring. Whenever two miles of continuous road is completed, a toll-gate may be erected, and toll collected or regulated by the General Statutes regulating the same.

§ 8. That the president and directors of said road ^{Powers.} shall have the right and power to acquire the right of way for said road; to locate and lay out the same, and may take steps authorized by the General Statutes to condemn the land over which the same may run, not exceeding thirty feet in width, and for toll-gate sites, as also for material from adjacent lands for the construction and repairing of said road.

§ 9. That the county court of Madison county is ^{County may take stock.} hereby empowered to subscribe to the capital stock of said company a sum not exceeding one thousand dollars per mile.

§ 10. The president of said company shall make a ^{Settlements.} settlement before the county judge of Madison county each year, during the month of January, showing the collections and disbursements of said company for the preceding year; and upon failure so to do, may be proceeded against as prescribed by law against guardian who fail to settle their accounts when duly notified: *Provided*, No settlement is to be made before the judge aforementioned, unless the county take stock in said company.

§ 11. This act shall take effect from its passage.

Approved May 1, 1888.

CHAPTER 1406.

AN ACT to incorporate the Falls City Express Savings Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators.

§ 1. That James Woodward, A. H. Brachey, James Malone, E. D. Graff and T. M. Dear, be, and they are hereby, created a body-politic and corporate, under the name of the "Falls City Expressmen's Saving Association," with perpetual succession; and by that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts; and may have and use a common seal, and the same may change, alter or renew at pleasure; and may do and perform all and all manner of things necessary and requisite to be done in and about the proper and successful transaction and conduct of the business and affairs of the corporation hereinafter set forth.

Object.

§ 2. The object and business of the corporation shall be to induce and encourage employes of express companies to lay by, save and accumulate a portion of their earnings, and to provide a safe and profitable investment for the same.

Who may be members.

§ 3. Any employe or employes of any express company may become a member of the association under such rules, regulations, by-laws and restrictions as may be prescribed by the corporation, and by depositing monthly with the association any sum of money, not less than fifty (50) cents nor more than ten (\$10) dollars, to be regularly paid at such times and in such manner as the by-laws shall prescribe. And any person having regularly become a member of the association, may thereafter continue in membership though he may quit the employment and service of express companies: *Provided*, Such quittance was not under dishonorable circumstances: *And provided further*, That such member shall continue the monthly de-

posits, and in all other ways conform to the by-laws of the association.

§ 4. The business and affairs of the association shall ^{Management.} be managed and conducted by an executive committee, to consist of nine (9) members of the association, to be elected by the association at its regular biennial meeting, who shall hold their offices for two years, and until their successors are elected; except that the association may organize, at any time after the passage of this act, by electing an executive committee, who shall hold their offices until the next regular meeting and election. The regular biennial meetings of the association shall be held on the first Monday in January of the years when such elections are to be held. The executive committee shall elect from its numbers a ^{Officers.} president, a vice-president, a secretary and a treasurer, who shall hold their offices for two years, and until their successors are duly elected. The treasurer shall execute to the association bond in such amount, and with such conditions, as the executive committee shall require, with sureties to be approved by it; and bond may be required of any or all other officers, conditioned for the faithful performance of their respective duties. All officers shall serve without compensation. Vacancies may be filled by the executive committee. The bonds shall be paid for by the association.

§ 5. Each member of the association shall pay ^{Dues.} annually into the treasury of the association the sum of one (\$1) dollar per year, to be used in purchasing necessary stationery, and paying necessary incidental expenses of the association.

§ 6. The funds of the association received from the ^{Investments.} monthly deposits of the members shall, as often as may be deemed prudent, be invested by the executive committee in good, interest-paying stocks, bonds, securities, real estate, mortgages, or other securities or properties, but no money shall be loaned upon real estate exceeding two thirds of its appraised value. The executive committee shall appraise all real estate

before any funds of the association shall be loaned upon mortgage thereon.

Statements. § 7. A statement of the investments, receipts and expenses of the association, in detail, shall be furnished the members semi-annually.

Withdrawal. § 8. Any member may withdraw from the association at any time, upon giving ninety (90) days' notice to the association of his desire so to do. Such notice shall be in writing, and shall be filed with the secretary. Each member withdrawing shall be entitled to receive, in full payment and satisfaction of his interest in the association and its funds, the amount of money deposited by him with the association, together with an amount of the net earnings or profits of the association equal to the amount that he would be entitled to receive, upon a proportionate division among all the members of all the earnings and profits of the association at the date of such withdrawal, apportioned upon the ratio that the amount of money paid in or deposited by such withdrawing member bears to the total amount of money then in the treasury, exclusive of earnings or profits.

§ 9. Private property of members of the association shall be exempt from corporate debts.

§ 10. This act shall take effect from and after its passage.

Approved May 1, 1888.

CHAPTER 1407.

AN ACT to incorporate the Richmond Building and Loan Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That Green B. Million, J. M. Poyntz, W. G. White, A. W. Smith, Calum Maupin, G. W. Evans, Henry Hargis, Thos. Thorpe, Stephen D. Parrish and

Harvey Parrish, their associates, successors and assigns, be, and they are hereby, constituted a body-corporate, under the name and style of the "Richmond Building and Loan Corporation," with full powers to contract and be contracted with, to sue and be sued, plead and be impleaded, and shall have perpetual succession; have and use a common seal, which may be changed at pleasure; may acquire and hold personal property, and hold improved and unimproved real estate, sell and convey the same; and shall possess such other powers as are consistent with the objects of this corporation; and adopt a constitution and such by-laws as may be necessary for the government of the corporation, not inconsistent with the laws of this State or of the United States.

§ 2. The officers of the corporation shall be a president, a vice-president, a secretary, a treasurer, and such other subordinate officers as may be deemed necessary; and there shall be elected a board of directors in manner as may be provided by the constitution, to consist of not more than nine stockholders, whose duty it shall be to semi-annually investigate the books, contracts, sales and property of the corporation, and report same to the corporation by printed circulars or by a full statement published in some newspaper in Richmond, Kentucky. No person shall be eligible as director who is not a stockholder to the amount of seven shares of stock.

§ 3. The capital stock shall be one hundred thousand dollars, divided into ten thousand shares of one hundred dollars each, with the privilege of increasing the capital by a vote of a majority of the stockholders—those holding two-thirds of the paid in capital—at a regular or special meeting, to any sum not exceeding five hundred thousand dollars. The stockholders shall pay in weekly installments of fifty cents, or a less amount, each week, for each share of stock subscribed, until said installments shall amount to the sum of one hundred dollars for each share, as may be

prescribed by the constitution ; and when the full sum of one hundred dollars shall have been paid in on a share or shares, a certificate to that effect may be issued and delivered to the stockholder owning such share or shares.

Name. § 4. The corporators above named, or a majority thereof, shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription of said stock in anticipation of this act ; and whenever one hundred shares shall be subscribed in good faith, said corporation may go into operation and conduct its business in conformity to the provisions of this act, in accordance with such plan as may be adopted by it in its constitution, which plan, when adopted, shall not be changed or altered. The stock shall be transferable, or hypothecated, on the books of the corporation, as may be provided in its constitution.

By-laws. § 5. As soon as practicable, after the association is ready to go into operation, as hereinafter provided, the corporators aforesaid, or a majority thereof, shall call a meeting of the stockholders, giving reasonable notice of time and place of meeting, for the adoption of a constitution and by-laws, and for the election of officers and board of directors, who shall serve for one year and until their successors are elected and qualified. Annually thereafter, at such place as may be fixed by the by-laws, the officers shall be elected. After the second annual election, the board of directors shall have full power to amend and adopt all by-laws necessary for conducting the business of the corporation, as may be prescribed in the constitution.

§ 6. The corporation may provide in its by-laws or constitution what penalties shall attach for failure to pay installments of stock at the time and place fixed therefor ; and it shall have full power to enforce such penalties, whether the same shall be by fine or forfeiture of such stock. It may also provide upon what terms stockholders desiring to do so may withdraw from the corporation. It may require,

monthly or quarterly, in advance, a payment of ten cents or less upon each share of stock, and also charge an initiation fee of one dollar or less on each share or stockholder, to be used in defraying the current expenses of the corporation.

§ 7. The president may call the board to meet him Meetings. at any time to advise upon matters and business of the corporation. The secretary shall attend all general and special meetings, collect and receipt for all money due, and installments of stock paid to the corporation, and shall each week pay same over to the treasurer, whose duty it shall be to receive and hold such funds, and pay them out only on orders of the corporation, duly signed by the secretary and attested by the president.

§ 8. The corporation shall require of the secretary Bond of officers. and treasurer good and sufficient bond for the faithful performance of their duties, and for the payment of all moneys belonging to said corporation that may come to their hands. The corporation has the right to prescribe, in its by-laws, the duties not herein prescribed of all its officers, and which of them, if any, shall be paid a salary, and the amount of the same. For a violation of the provisions of either of said bonds, the president of said corporation shall have the right to proceed, in behalf of the corporation, upon same against the delinquent and his securities thereon in any court of Madison county having jurisdiction; and any officer failing or refusing to account for and pay over all money or property in his hands or that come into his hands belonging to the corporation, shall be guilty of embezzlement, and punished as is now provided by law.

§ 9. The corporation shall have the right to sell and Powers. convey any real estate owned by it, by deed, signed and acknowledged by the president and secretary; but no sale or purchase of real estate shall be made without the advice and consent of a majority of the board of directors. It may take the written obliga-

tions of purchasers to pay the purchase money by installments or otherwise, as may be prescribed by the by-laws; to lend its funds upon such terms and conditions as it may prescribe; and each loan shall be secured by first mortgage or lien to said corporation on unincumbered real estate, the margin of value to be fixed by the constitution. The buildings upon and to be erected upon such mortgaged or conveyed premises shall be insured upon such terms as may be prescribed by the constitution and by-laws, in an approved fire insurance company, for the use and benefit of the corporation; the policy of insurance shall be held by the secretary.

Object.

§ 10. The object of the corporation is to enable its members to acquire homes and other property by their savings and accumulations, and to preserve such savings and secure the benefits of the earnings thereof. It may receive deposits in such sums and at such times and on such terms as it may provide in its constitution; and may make loans at any rate of interest not exceeding eight per cent., and on such terms as the corporation may prescribe in the constitution or by-laws. It shall have power to sell, transfer or assign any mortgage or lien note it may hold as the board of directors may prescribe; and it may buy and discount promissory notes secured by mortgage as provided in section 9 of this act.

Election.

§ 11. In the election of officers and in the transaction of other business, where a stockholder is entitled to a vote, each shall be entitled to one vote for each share of stock he may hold up to the number of twenty shares. Minors under eighteen years of age may vote by their guardians. The corporation may regulate the method of voting by proxy in its constitution. A quorum of a stockholders' meeting shall be as may be prescribed in the constitution.

Married women.

§ 12. Married women may take stock and make deposits in said corporation, and their receipts for the same shall be valid to the same extent as if they were

unmarried; and they shall have the right to sell and transfer same without the intervention of their husbands, and the same shall be free from the debts and control of their husbands, and treated in every respect as their separate property. Minors may take stock and make deposits in the corporation, and their orders or receipts for the same shall be valid without the intervention of their parents or guardians.

§ 13. It shall be the duty of the secretary, in Janu- Secretary.
ary of each year, to pay to the Auditor of Public Accounts the sum of seventy-five cents on each one hundred dollars of the paid-up capital stock of the corporation, and this shall be in full of all State taxes; but the capital stock of the corporation shall be liable for county taxes.

§ 14. The president and board of directors may des- Depository.
ignate which of the National banks in Richmond may be used as the depository for the funds of the corporation, and may change the same at pleasure.

§ 15. In addition to the mortgage or other lien or Liens.
security which may be given by a stockholder, when a loan is made to a stockholder to secure any loan made to him, a first lien is given to the corporation upon the interest and stock of such stockholder in said corporation to secure it in said loan or indebtedness: *Provided*, The same has not been transferred or hypothecated, as prescribed in section 4 of this act. The board of directors is authorized to invest, from time to time, any part of the money of the corporation that may be on hand in excess of the amount required for the time for loans and retirement of stock in banks or bonds of any kind, and may loan any part of its funds to stockholders upon the security of their stock as collateral to secure the payment of such loan, and may loan any part of its funds to persons not stockholders, upon such terms and conditions as may be prescribed in the by-laws and constitution.

§ 16. The corporation may elect or employ an Attorney.

attorney at law to advise with the corporate officers and directors in the discharge of their duties. His employment or election shall be prescribed in the constitution, which shall also define his duties. No loan shall be made on any real estate, or deed accepted to any, or a purchase made thereof, until the title thereto has been examined, and an abstract thereof certified by the attorney to the secretary. Every mortgage, deed or contract, and policy of insurance, shall be submitted to him for opinion, which shall be by him reported in writing to the secretary.

Place of business. § 17. The principal place of business of said corporation shall be in Richmond, Kentucky. If in any village in said county there are as many as ten stockholders owning and paying on not less than fifty shares of the capital stock, there may be established by the board of directors in said village a branch office, and an assistant secretary appointed to take charge of the same, who shall give bond, and assume the same liability as prescribed in section 8 of this act, and his duties may be prescribed in the by-laws.

Vacancies. § 18. The corporation shall have power to provide for filling vacancies in office or board of directors, and for declaring such offices vacant as may be provided in its constitution.

Private property. § 19. The private property of the stockholders shall not be liable for the debts or liabilities of the corporation.

Bonds of officers. § 20. After the first election of officers, the president and secretary shall take and accept the bonds of the officers required to execute bond. Bonds of any good guarantee company may be accepted.

Expenses. § 21. The expenses incurred by the corporators herein in securing the charter, organizing, and in behalf of the corporation for books, blanks and other needed supplies, may be paid out of the first surplus in the expense fund.

§ 22. This act shall take effect from its passage.

Approved May 1, 1888.

CHAPTER 1408.

AN ACT for the benefit of Peter Thomas.

WHEREAS, Peter Thomas was duly examined and taught school in school district No. 56, in Madison county, Kentucky, for the school year ending in 1882; whereas, on account of the failure of the common school commissioner of Madison county, Kentucky, to sign his certificate of same, said Peter Thomas has never been paid for teaching school district No. 56, in Madison county, Kentucky, for the year ending in 1882; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be directed to draw his warrant on the Auditor of Public Accounts for the sum of eighty-four dollars, in favor of Peter Thomas, to be paid out of any money not otherwise expended belonging to the school fund of Madison county.

§ 2. This act shall take effect from and after its passage.

Approved May 1, 1888.

CHAPTER 1409.

AN ACT to incorporate the Central Refrigerating Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William L. Bridgeford, William Stacey, ^{Incorporators.} R. T. Scowden, Laf. Joseph and Thomas H. Sherley, their associates and successors, be, and hereby, constituted a body-politic and corporate, by the name and style of the Central Refrigerating Construction Company; and by that name may sue and be sued,

plead and impleaded; have a common seal, to be altered by them at pleasure; to make by-laws not repugnant to the laws of this State or of the United States, for the management of their corporate concerns, and have and enjoy all the rights and powers of a corporation.

Business.

§ 2. Said corporation is authorized and empowered to purchase, erect, maintain, and operate such machinery and buildings as may be necessary to conduct the business of said company.

§ 3. The particular business of said corporation shall be that of operating, using, selling, buying and dealing in refrigerating appliances, apparatus and machinery of all kinds, and of selling and dealing in refrigeration produced thereby; and in the conduct of their business, as set out in the title hereof, may buy, sell and deal in all patent rights connected with said business, and in carrying on and conducting the same.

Principal place
of business.

§ 4. The principal place of business of said corporation shall be in the city of Louisville, Kentucky, and said corporation may do business in the States of Kentucky and such portions of Ohio and Indiana as they may, by contract, secure the rights to do, not inconsistent with the laws of said States.

Capital stock.

§ 5. The capital stock of said corporation shall be one hundred thousand dollars, said stock to be divided into shares of five dollars each; and the said corporation shall have the right to issue full paid stock for the purchase of real and personal property and patent rights of any kind necessary for the business of said corporation.

Management.

§ 6. The affairs of said corporation shall be conducted by a board of directors consisting of five (5) members, three (3) of whom shall constitute a quorum, elected annually by the stockholders of said corporation, on the first Monday in June of each year; and until the first annual election the incorporators named herein shall be the board of directors. Said

incorporators or board of directors, when elected, may elect of themselves a president and vice-president; the said board of directors shall elect or appoint such other officers and agents as may be provided by the by-laws of the corporation.

§ 7. The said corporation may incur an indebtedness ^{Bonds.} not exceeding one-third of the capital stock subscribed, and may secure the payment of the same by mortgage of the property of the company.

§ 8. Said company shall commence doing business ^{Begin.} within two years from the passage of this act, and when the sum of ten thousand dollars of said capital stock shall have been subscribed.

§ 9. This act shall take effect from its passage.

Approved May 1, 1888.

CHAPTER 1410.

AN ACT to amend "An act to amend an act, entitled 'An act for the working of roads and passways in Jefferson county,'" approved March 7th, 1888, and changing the title thereof to "An act relating to the working of roads and passways in Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of the act to which this is an amendment be changed so as to read, "An act relating to the working of roads and passways in Jefferson county."

§ 2. That section ten (10) of the act to which this is an amendment be, and the same is hereby, repealed.

§ 3. That section two of the act to which this is an amendment be amended by striking out the words therein "over the age of sixteen," and inserting in lieu thereof therein the words "over the age of twenty-one."

§ 4. This act shall take effect from its passage.

[Became a law without approval of Governor May 2, 1888.]

CHAPTER 1411.

AN ACT to prevent the sale of spirituous, vinous or malt liquors within one mile of the Marshall Store-house, in the town of Stonewall, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous or malt liquors, or a mixture of either, in any quantity whatever, within one mile of the Marshall Store-house, in the town of Stonewall, in Scott county.

§ 2. That if any person shall violate the provisions of the first section of this act, such person, on conviction thereof, shall, for each violation of said section, be fined the sum of fifty (\$50) dollars.

§ 3. This act shall be in force from and after its passage.

[Became a law without approval of Governor May 2, 1888.]

CHAPTER 1412.

AN ACT to regulate the sale of spirituous, vinous and malt liquors within one mile and a half of Cedar Bluff College, in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell, lend or furnish to any other person spirituous, vinous or malt liquors within one mile and a half of Cedar Bluff College, in Simpson county; and this act shall apply to that portion of the county of Warren which lies within one mile and a half of said college.

§ 2. Any person guilty of a violation of the provisions of the first section of this act shall be fined forty dollars for each offense, upon conviction, upon

indictment of a grand jury of Simpson county, or upon a warrant issued by and tried before any magistrate of said county, when such offense is committed within that part of the boundary described in said section first which lies in said Simpson county; and if any person shall be guilty of a violation of the provisions of said section first, if the offense be committed in Warren county, he shall be fined a like sum of forty dollars for each offense, upon conviction, upon indictment of a grand jury of Warren county, or upon a warrant issued by and tried before any magistrate of said Warren county.

§ 3. This act shall be in force from and after its passage.

[Became a law without approval of Governor May 2, 1888.]

CHAPTER 1413.

AN ACT to amend the charter of the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That neither the board of trustees of the town of Shelbyville, nor the county judge of Shelby county, shall have power or right to license any person or persons to sell spirituous, vinous or malt liquors in the town of Shelbyville, or within one mile of the limits thereof, except as hereinafter provided. Liquor prohibited.

§ 2. That hereafter it shall be unlawful for any person or persons to sell by retail any spirituous, vinous or malt liquors, or any intoxicating mixture thereof, in the town of Shelbyville, or within one mile of the limits thereof, except as hereinafter provided.

§ 3. The board of trustees of the town of Shelbyville shall issue license to *bona fide* druggists, who are such in good faith, to sell spirituous, vinous or malt liquors for medical and sacramental purposes only. Druggists.

But such druggist shall sell only on the written prescription of a regular practicing physician in good standing, authorized to practice medicine under the laws of this Commonwealth, who has no interest in the sale, and who is a resident of Shelby county; said prescription shall state whom the spirits are for, the quantity required, and that the person needs the spirits medicinally. Each prescription shall be dated, and shall be good for only one sale.

Wine.

§ 4. Wine may be sold for sacramental purposes by any druggist licensed under this act, on the certificate of any officer of any church, stating the amount required and that it is for sacramental purposes.

§ 5. All druggists selling under the license provided for in this act shall keep the prescriptions under which such sales are made for one year from the date thereof, and shall, on the written demand of the regular town attorney, county attorney, or Commonwealth's attorney, furnish a certified copy of any prescription on which a sale of spirits has been made; and upon the order of any court having jurisdiction to try any violations of this act shall produce the original prescription.

Penalties.

§ 6. Any person who shall violate the provisions of the second section of this act shall be fined not less than twenty-five or more than one hundred dollars.

Physician.

§ 7. Any physician who gives a prescription in bad faith, for the purpose of evading the provisions of this act, shall, on conviction thereof, be fined not less than twenty-five or more than fifty dollars for each offense. Any druggist who shall sell otherwise than herein provided shall, on conviction thereof, be fined not less than twenty-five or more than fifty dollars for each offense.

Police court.

§ 8. The police court of Shelbyville, the county judge of Shelby county, and the Shelby circuit court, shall have jurisdiction to try all violations of this act.

§ 9. The trustees may charge any sum, not exceed-

ing fifty dollars per year, for the license herein provided for.

§ 10. All laws in conflict with this act are hereby repealed.

§ 11. This act shall not become a law until it is ratified by a majority of the legally qualified voters of the town of Shelbyville, who may vote for or against this amendment at an election to be held on Tuesday, June 26, 1888, between the hours of 9 o'clock A. M., and 5 o'clock P. M., at the regular voting place for town officers in the town of Shelbyville; and it shall be the duty of the board of trustees to make all necessary provisions for, and to hold such election on the day named. They shall prepare poll-books for said election with two columns, one headed "For the amendment," and one headed "Against the amendment." And the officers of said election, who shall be selected as now provided for in the election of town officers, shall certify the result of this vote as now provided by law for the election of town officers; and if a majority of the votes cast shall be in favor of this amendment, then this act and the certificate of the officers of the election shall be admitted to record on the record book of the acts and proceedings of the board of trustees of the town of Shelbyville, and also in the office of the clerk of the Shelby county court, and when so recorded this act shall become a law, and shall be in full force.

[Became a law without approval of Governor May 2, 1888.]

CHAPTER 1414.

AN ACT for the benefit of W. Crutcher Prather and James A. Carter, of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. Crutcher Prather and James A. Carter, of Jessamine county, be, and they are hereby, re-

lieved of the disabilities of infancy, and empowered to transact business as if they were adults: *Provided*, That nothing in this act shall be construed to confer the right of suffrage on the said Prather and Carter.

§ 2. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor May 2, 1888.]

CHAPTER 1415.

AN ACT to amend section 7 of article 8 of an act, entitled "An act to amend an act, entitled 'An act to reform the common school laws of this Commonwealth, and to legalize certain acts of the trustees of common school district No. 82, in Henry county.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 7 of article 8 of the act mentioned in the title hereof be, and the same is hereby, amended by inserting after the words "wants of said district," in the eleventh and twelfth lines thereof, the words, "or to the purchase of a suitable lot, with a building or house thereon."

§ 2. The trustees of any district are hereby authorized to use any funds arising from any levy heretofore made or hereafter to be made in the purchase of such lot and building.

§ 3. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1416.

AN ACT to amend the charter of the town of Turner's Station, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said town be amended to read: "That on failure of the trustees to hold an

election at the regular time, the county judge be empowered to appoint trustees to serve until the next regular election."

§ 2. That G. Turner, W. T. Coblin, Geo. Skinner, L. L. Russell and E. Bishop, be appointed to act as trustees until the next regular election.

§ 3. That the office of police judge be made concurrent with the office of magistrate in civil cases, and fixing the time of holding said court on the first Saturday in January, April, July and October.

§ 4. That this act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1417.

AN ACT to amend an act, entitled "An act to create the office of county treasurer for Grant county," approved March 7, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the treasurer shall keep a well-bound book, in which he shall enter every receipt of money on the date of receipt, showing amount received, from whom received, on what account received, and date of receipt; and he shall also enter in said book all disbursements made by him on date of disbursement, showing amount disbursed, to whom disbursed, on what account disbursed, and date of disbursement, which book shall at all times be open to inspection of judge of the Grant county court and county attorney. Said book shall be paid for out of county levy, and shall be the property of the county; and the treasurer shall, at the expiration of his term of office, turn said book over to his successor in office.

§ 2. And it shall be the duty of the judge of the Grant county court to require the treasurer to comply with the provisions of this act; and in case the treasurer fail or neglect to do so, the county judge shall have power by fine to compel him to do so.

§ 3. Upon a settlement of the accounts of the treasurer by the judge of the Grant county court on account of any fund, the treasurer shall balance his book as to that fund, and show the result as reached by the settlement.

§ 4. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1418.

AN ACT to enable M. M. Berry, a justice of the peace for Union county, to appoint a clerk for his court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. M. Berry, a justice of the peace for Union county, is authorized to appoint a clerk for his court, who, when appointed by said justice, shall have the power to do the clerical work of said court, and issue all process in the name of the said justice; which clerical work so done, and processes so issued, shall have the same force and effect as if done by said justice.

§ 2. The appointment of the clerk provided for in the first section of this act shall be made by an order of said justice, recorded upon his docket, naming the person appointed; said clerk shall take the same oaths prescribed for justices of the peace to take, which shall appear and be noted of record on the said justices' docket, before he proceeds to act as clerk; which clerk shall be authorized to administer oaths as justice of the are now authorized to do.

§ 3. This act to take effect and be in force from its passage.

Approved May 2, 1888.

CHAPTER 1419.

AN ACT to amend the charter of the Owensboro, West Louisville and Seebree City Railroad, and to allow certain civil districts to subscribe stock to same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the city of Owensboro, and also for any magisterial district in any county through which said railroad shall run, to subscribe to the capital stock of said railroad company in the following manner, and pay therefor in the negotiable bonds of the said city or county magisterial district of said county, running not more than ten years, and bearing interest at the rate of not exceeding five per cent. per annum, payable semi-annually, which bonds and coupons shall be made payable at a place designated therein; and the said bonds may be redeemed at the expiration of five years, if so desired. Whenever application shall be made to the city council of Owensboro, or to the county judge of any of the counties of Daviess, McLean or Webster counties, of twenty resident tax-payers of the city of Owensboro, or of each or either of the magisterial districts in the aforesaid counties, requesting that the question of subscribing to the capital stock of the said railroad company, upon the terms and conditions set forth in the said petition, be submitted to the legal voters of said city or magisterial district, it may be lawful for the city council of said city, or the county judge of said county or counties, to order an election to be held in said city or county or counties on the day named therein, to ascertain the wishes of the legal voters thereof upon the question of making such subscription, and to cause notice thereof to be published in a newspaper published therein, or by printed notice to be posted at the court-house door in such city or county or counties,

Subscription to capital stock.

or such other public places as the order may direct, giving not less than twenty days' notice of said election. And at said election votes shall be received for the railroad subscription and against the railroad subscription; officers of said election shall be appointed by the city council for the city of Owensboro, and by the county judge of the respective counties, for the magisterial precincts to hold said elections, and make due returns thereof to said city council or county judge, in the manner provided by law: *Provided*, That if the petition prescribing more than one series of terms and conditions of subscription shall be submitted by said city council or county judge, the said council or judge may select such terms deemed, or may prescribe in its order of election to be submitted to the voters of said city or county such terms or conditions of subscription to the capital stock of said railroad company as may be deemed proper. The bonds which may be issued for stock subscription of the city of Owensboro, or any magisterial precinct in Daviess county, shall not be delivered to said railroad company until trains of said road are running from Owensboro to West Louisville, Kentucky, or of any McLean county magisterial district, until trains are being run on said road to Beech Grove, McLean county, or a part within one mile thereof; or if any Webster county magisterial district, until trains are being run to Sebree City, in Webster county, from Owensboro, Kentucky.

Bonds.

§ 2. After an election shall be held under the provisions of this act in any magisterial precinct of any of the counties named, and as soon thereafter as may be, the county judge, together with the county clerk of the said county, shall canvass said vote and determine if a legal majority of said vote of said magisterial precinct were in favor of said subscription; and if they were, the county judge of said county shall thereupon enter an order subscribing in behalf of said magisterial district to the capital stock of said

railroad company, in accordance with the terms so voted upon; and he shall thereupon cause to be prepared and executed the negotiable bonds of said magisterial district as before mentioned, which shall be signed by him as county judge, and attested by the county clerk, with his official seal affixed thereto; and the coupons shall be attested by the engraved signature of the county clerk; and the county judge of said county or counties shall order that the said bonds shall be deposited with a trust company or trustee, to be held in escrow; and the railroad company may deposit the certificates for capital stock of said company agreed to be given in exchange for said bonds with said trustee or trust company; and the said bonds shall be delivered to the said railroad company, or its order, when it shall be entitled to same under the provisions of this act. The city of Owensboro, through her common council, shall comply with all the provisions aforesaid, and in the same manner by the act of the mayor and city clerk of said city: *Provided*, That the amount voted on by the said city to the said railroad company shall not exceed twenty-five thousand dollars and in bonds; and the amount in the Sorgo district No. —, Daviess county, voted on, shall not exceed ten thousand dollars in bonds, in the Curdsville magisterial district No. 3, Daviess county, voted on, shall not exceed fifteen thousand dollars in bonds; and Job's district No. —, McLean county, amount voted on shall not exceed fifteen thousand dollars in bonds; and it is further provided, that the West Louisville election precinct of the Curdsville magisterial district may hold an election conforming to all the provisions of this act, and vote upon the proposition to subscribe the sum of not exceeding fifteen thousand dollars in bonds, and the Vandver magisterial district No. —, Daviess county, may likewise vote upon the proposition to subscribe not exceeding ten thousand dollars in bonds to the said company: *Provided, however*, That no subscription to

the capital stock of said Owensboro, West Louisville and Sebreë City Railroad shall be made by the city of Owensboro, or the mayor and council thereof, or by any magisterial or election district in Daviess county, or by the county judge of Daviess county, on behalf of any such district or precinct; and that no bonds shall be issued by either said city of Owensboro or any magisterial or election district, or by any one else, on behalf of such city or district, unless a majority of all the qualified voters of said city or district shall vote in favor of such subscription. The number of qualified voters in said city of Owensboro shall be determined by the last assessment or list made by the city assessor thereof prior to the time the election authorized under this act is held; and the number of qualified voters in any district shall be determined from the last assessment or list made by the county assessor prior to such election authorized by this act.

Levy of tax.

§ 3. An annual tax sufficient to pay the interest of said bonds, and the principal when it becomes due, shall be levied and collected, and paid out by the officers of said city of Owensboro and the said counties aforesaid; and the said city council of the city of Owensboro, and the county judge of the said county or counties, are hereby empowered to take such steps as may become necessary to carry out any or all of the provisions of this act.

§ 4. This act shall have force and effect from the date of passage thereof.

Approved May 2, 1888.

CHAPTER 1421.

AN ACT to amend an act, entitled "An act to protect overflowed lands in Henderson and Union counties from the depredations of stock running at large, and to take the sense of the people as to applying said act to the whole and parts of said counties," approved April 1, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the provisions of an act, entitled "An act to protect overflowed lands in Henderson and Union counties from the depredations of stock running at large, and to take the sense of the people as to applying said act to the whole and parts of said counties," approved April 1, 1884, shall not apply to stock running at large on uninclosed lands on the Ohio river, (subject to overflow), in the county of Union.

§ 2 That section 11 of said act be, and the same is hereby, repealed, so far as it applies to Union county.

§ 3. The provisions of said act shall apply to stock trespassing on inclosed lands in the overflowed districts of Union county bordering on the Ohio river, whether said inclosure be by individual fencing or by a common or corporate fence with the river forming one side of said inclosure.

§ 4. This act shall take effect and be in force from and after the first day of December, 1888.

Approved May 8, 1888.

CHAPTER 1423.

AN ACT to incorporate the Grier's Creek and Wilson's Landing Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. V. Bishop, Arthur Sublett, Geo. T. Mountjoy, Austin K. Sea and Dixon McGinnis, be, and they are hereby, constituted a body-politic and

corporate, under the name and style of the Grier's Creek and Wilson's Landing Turnpike Road Company; and by that name may sue and be sued, plead and be impleaded, and exercise the powers herein set forth; and by that name may act, and shall be liable as corporate bodies usually are.

§ 2. That the capital stock of said company shall not exceed eight thousand dollars, which stock shall be divided into shares of fifty dollars each.

§ 3. That subscriptions of stock may be received by said company under such conditions as they may prescribe, not in conflict with the general turnpike law.

§ 4. That said company be, and are hereby, authorized to construct a macadamized turnpike road from a point on the Grier's Creek Turnpike Road, where the Wilson's Landing dirt road intersects same, or at such point on the Versailles and McCown's Turnpike Road as said board may elect, to a point on the Kentucky River at or near Wilson's Landing.

§ 5. That upon the completion of said road as provided for, said company may establish a toll-gate thereon and collect tolls, according to the rates established by law.

§ 6. That it shall be lawful for said company and its employes to enter upon and survey over any lands upon their said route, having notified the owner thereof, and acquire, by gift or purchase, the right of way for their said road, and to also enforce the right to build their said road by writ of *ad quod damnum*, as provided by the general law.

§ 7. That the said company shall organize by electing a president and four directors, at which election, and all future elections, each share of fifty dollars of stock shall entitle the owner thereof to one vote; and said directors and president shall hold their offices for the term of one year, and until their successors are elected and qualified; and may fill vacancies occasioned by death or resignation; and may also elect

their secretary and treasurer and other executive officers.

§ 8. That said company shall have all the rights and privileges granted to any turnpike road company under the general laws of this State, and shall have perpetual succession.

§ 9. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1424.

AN ACT to repeal an act, entitled "An act to change the boundary lines of Boyle and Garrard county," approved March 10, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to change the boundary lines of Boyle and Garrard counties," approved March 10, 1882, be, and the same is hereby, repealed.

§ 2. That this act be in force from its passage.

Approved May 2, 1888.

CHAPTER 1425.

AN ACT to incorporate the Mill Creek and Chock-Taw Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Davis, George F. Chinn, W. F. McDaniel, and Richard Davis, be, and they are hereby, incorporated as a body-corporate and politic, under the name and style of the Mill Creek and Chock-Taw Turnpike Road Company; and are hereby invested with all the powers incident and usual to such corporations, for the purpose of building a turnpike road from a point on the Maysville and Mt. Sterling

Turnpike Road, at the second toll-gate thereon, and running by the most practicable route, almost due west, a distance of about two and one-half miles, to Cedar Hill school-house, on the Old Blue Lick dirt road in Mason county.

§ 2. The capital stock of said company shall not exceed the sum of six thousand dollars, to be divided into shares of fifty dollars each ; and the corporation above-named, or any of them, may open books and receive subscriptions to the stock of said company ; and said stockholders may meet at any time and place they may select, and proceed to the election of officers of said company. Said officers shall consist of a president and four directors, who shall have power to appoint a secretary and treasurer, and compel the treasurer to execute a bond, with good security, for the faithful performance of his duties as such.

§ 3. That the provisions of the General Statutes of Kentucky concerning turnpike roads, as amended by an act to prescribe the mode of condemning land for the use of railroad and turnpike companies, approved April 11, 1882, so far as they are not inconsistent with the provisions of this act, are hereby made a part of this charter.

§ 4. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1426.

AN ACT to amend an act, entitled "An act directing the clerk of the Kenton county court to make a cross-index to certain record-books in said court."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the words "without charge," in the ninth line of section 1 of said act, be stricken out, and in lieu thereof the following be added : "And the coun-

oil of the city of Covington shall annually make the clerk of said court an allowance sufficient to compensate him for services performed in keeping up said index at the Covington office; and the board of commissioners of Kenton county shall annually make said clerk an allowance sufficient to compensate him for services performed in keeping up said index at the Independence office.”

§ 2. This act to take effect from its passage.

Approved May 2, 1888.

CHAPTER 1427.

AN ACT to regulate the management of turnpike and gravel roads in Madison county in which said county owns stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter it shall be the duty of the presidents of such turnpike and gravel roads in which Madison county has taken and owns stock, on or before the first day of February in each year, to make out, sign and swear to, before the county judge, a statement of all receipts and disbursements made by his road during the year just-ended.

§ 2. The statements provided for in this act shall be recorded by the county clerk in a well bound book kept for that purpose, which book shall be kept by him for public inspection as other record books are kept in his office; and for the recording of each statement under this act he shall be entitled to a fee of one dollar, to be paid by the president of the road, and the county judge shall have a like fee for his services, to be paid in like manner.

§ 3. Any president of turnpike or gravel road, who fails to settle his accounts by the first of February of each year, shall be proceeded against as administrators and guardians failing to make settlements, and

be subject to the same penalties as administrators and guardians for failing to make settlements when duly notified.

§ 4. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1428.

AN ACT to incorporate the Winchester Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. G. Stuart, H. P. Thomson, W. M. Beckner, F. P. Pendleton, Richard French, Rodney Haggard, D. L. Cook, J. E. Garner, N. H. Witherspoon, Wash. Miller, J. C. Turner, J. A. Mills, T. C. Robinson, S. P. Kerr, J. P. Conway, A. H. Hampton, Geo. B. Nelson, M. S. Brown, J. H. Frazer, V. H. Abbott, S. A. Conn, M. A. McClure, W. A. Attersall, Leslie Thomson, and their associates, successors or assigns, be, and they are hereby, created a body-politic and corporate, under the name and title of the "The Winchester Female College" of Winchester, Kentucky; and by such corporate name may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; may have perpetual succession, and make all by-laws necessary for the transaction of the business and for the government of the school, not inconsistent with the laws of this State or of the United States.

§ 2. Said corporation may have a capital stock of such amount as may be prescribed by the board of trustees; and from time to time the same may be increased to any amount not exceeding the sum of fifty thousand (\$50,000) dollars; but the said corporation may transact business without a subscription of said capital stock.

§ 3. The object of this corporation shall be the es-^{Nature of busi-}
 tablishment of an institution of learning to promote
 the interests of education, and to afford instruction in
 the arts, sciences and polite literature to all that may
 desire to avail themselves of the facilities offered by
 said institution, under such regulations as its board of
 trustees may prescribe, and with such professors and
 teachers as the board may provide.

§ 4. Said corporation may receive, acquire and hold ^{Property rights.}
 by gift, purchase, lease, loan, devise or otherwise,
 money, books, pamphlets, periodicals, papers and
 minerals, or other personal property; also such real
 estate, in fee or for a term of years, as may be neces-
 sary or suitable for the establishment and conduct of
 said institution of learning, together with such library
 and museum as may be established in connection there-
 with; but said corporation shall not acquire more
 than twelve acres of real estate within the corporate
 limits of the city of Winchester.

§ 5. The corporation may, for the purchase or im- ^{Real estate.}
 provement of real estate, or for its other purposes,
 from time to time borrow money; and as a security
 therefor may issue its interest-bearing bonds or prom-
 issory notes, to be secured by one or mortgages upon
 its real estate or other property and upon its fran-
 chises; but such mortgage debt shall not, at any one
 time, exceed twenty thousand (\$20,000) dollars.

§ 6. This corporation shall have the power to confer ^{Degrees:}
 such honorary degrees and diplomas as are usually
 conferred by incorporated literary institutions.

§ 7. Said persons named in the first section hereof, or ^{Books for sub-}
 any two of them, may open books for subscription
 of stock (which shall be in shares of fifty dollars each),
 at such time and place as they may prefer; and after
 so much as five thousand (\$5,000) dollars is subscribed
 to the capital stock of said company, may call a meet-
 ing of the stockholders, who shall elect from their
 own number their trustees, one-third of whom, to be

selected by lot, shall hold one year, one-third, also to be selected by lot, two years, and the remaining three years after their election, or until their successors are elected. Each year one third of said board of trustees shall be elected by the stockholders, at an election to be held as provided in the by-laws of said company; and said board shall elect from its number a president and such other officers as it may deem necessary. Said trustees shall exercise and have all the rights, powers and privileges of said corporation, and may fill vacancies in the board until the next regular election.

§ 8. This act shall be in force from its passage.

Approved May 2, 1888.

CHAPTER 1429.

AN ACT to incorporate the Dividing Ridge and Elizabethtown Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name. § 1. That a company is hereby incorporated under the name and style of the Dividing Ridge and Elizabethtown Turnpike Company; and by that name it shall have perpetual succession; may sue and be sued, contract and be contracted with, and is clothed with all the powers conferred by the general law on turnpike companies in this State.

Incorporators. § 2. That the following persons are appointed corporators to receive subscriptions of stock to said company, to wit: A. Carter, S. M. C. Blackburn, E. A. Arnold, B. H. Cook, and William Grey; and they are authorized to open books and receive subscriptions of stock at any time and place they may deem best.

Capital stock. § 3. That the capital stock of said company shall be divided into shares of twenty-five dollars each, and the entire stock shall not exceed the amount necessary

to properly construct a turnpike road from Dividing Ridge, Kentucky, at or near J. H. Gardner's, running in the direction of Falmouth, by way of S. M. C. Blackburn's, in Pendleton county, by the most practicable route, and ending at or near Poly A. Lovelace's, and to supply a toll-house and grounds, if necessary, at which toll may be collected at the rate now allowed by law.

§ 4. That when five hundred dollars of stock is subscribed, the said corporators, or such of them as may act, shall, at such time and place as they deem proper, call a meeting of the stockholders, and hold an election for a president and four directors, to hold their offices for one year, and until their successors are elected and qualified; each stockholder to have one vote for each share of stock at all elections. They shall have power to make all needful by-laws and rules that may be necessary to carry out the purposes of this corporation, one of which shall fix the time and place of holding the annual election of president and directors.

§ 5. That the president and directors shall have power to let out the building of said road upon such terms as they may deem best for the interest of said company; and they may take shares of stock, and allow it to be worked out in the construction of the road, upon such terms as they may fix or prescribe.

§ 6. That the president and directors may appoint one of their number treasurer and secretary, and take bond from him, with good surety, to faithfully discharge the duties of his office. He shall keep a full record of the proceedings of said board, and an account of the stock, and of the receipts and the expenditures of said company, open to the inspection of any stockholder in said company.

§ 7. That the county court of Pendleton county may take stock in said company as according to law provided.

§ 8. This act shall take effect from and after its passage.

Approved May 2, 1888.

CHAPTER 1430.

AN ACT to change the boundary line of the town of Lenoxburg,
Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of said town of Lenoxburg be so changed to read as follows: "Beginning at a stone marked A, near the barn of Anthony McGills, in Pendleton county, running thence east to a stone marked C, in said McGills' line, corner to F. F. Wallace's lands; thence west with said F. F. Wallace's line to the line of J. P. McLanahan's lands, to end there.

§ 2. This act to take effect from and after its passage.

Approved May 2, 1888.

CHAPTER 1431.

AN ACT to incorporate the Bowling Green Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. C. Mitchell, Jas. D. Hines, J. F. Dunavan, J. A. Kemble, J. L. Jenkins, Eugene Collett, J. H. Mallory, E. B. Venable, their associates and successors, be, and they are hereby, constituted a body-politic and corporate, under the name of the Bowling Green Street Railway Company; and by that name may have perpetual succession, may sue and be sued, plead and be impleaded; may have and use a common seal; may receive, purchase and hold such personal and real estate or property as may be necessary for carrying on the business of the corporation, and

Incorporators.

the same to sell and dispose of at pleasure ; may make all needful by-laws for their government not inconsistent with the laws of the United States or of this State.

§ 2. The business of said corporation shall be to ^{Business.} construct, maintain and operate a street railway, with all necessary switches, turn-outs or side-tracks, in the city of Bowling Green, and to any point not exceeding four miles beyond the present boundary line of said city.

§ 3. Said corporation is hereby authorized to make and consummate any contract with the corporate authorities of the city of Bowling Green, or with any turnpike company, or with the county court of Warren county, or with private individuals, necessary to get the right of way along the public streets and roads, or over private property, for the purposes of the incorporation, and to successfully carry out their purposes: *Provided always*, That no one of the streets of the city of Bowling Green shall be used by said company, nor shall any railroad be laid down upon them, until the consent of the mayor and board of councilmen or city authorities of said city shall have been first obtained, and a bill shall have been passed by the city authorities authorizing the same to be done, and prescribing the terms on which the same may be done.

§ 4. That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of raising it to any sum not exceeding three hundred thousand dollars, if it should become necessary to effect the object of the incorporation. That the said capital stock shall be divided into shares of fifty dollars each, and may be subscribed and received by the company in money, iron or real estate, with the right on the part of the company, by its board of directors, to make calls, from time to time, as the money may be needed, and to make sales of the property subscribed for cash or on credit, or mortgage or lease said prop-

erty to carry out the purposes of the incorporation, and upon such other terms as the board may deem best.

Bonds.

§ 5. That the said company may issue bonds payable in such amounts, at such times, and in such places as they may deem best, with coupons attached for the interest, and may dispose of the same to raise money to carry out the purposes of the incorporation ; and may make a mortgage upon the property and franchises of the company, and upon the real and personal property subscribed for stock to secure the payment of the interest accruing upon said bonds, and of the bonds themselves at maturity.

Board of directors.

§ 6. That the persons hereinbefore incorporated, or a majority of them, may organize said company by electing a board of directors, to consist of seven members, who shall elect one of their number president ; shall have power to elect such officers as may be necessary to carry out the purposes of this incorporation, and to fix the salaries for president and officers, and generally to act for the company. That said board shall continue in office such time as the persons electing said board may determine, not exceeding one year, and until their successors are appointed.

Subscriptions.

§ 7. That the said persons incorporated, or a majority of them, or the board of directors after their election, may determine the plan of raising subscriptions to the capital stock of the company ; and that all subsequent boards of directors shall be elected by the stockholders, each of whom shall be entitled to a vote for every share owned ; that said board shall have all the power before granted, and shall continue in office one year, and until their successors are elected. The stockholders may vote in person or by proxy. A majority of the directors shall constitute a quorum to do business.

By-laws.

§ 8. Said directors may adopt by-laws for the management of their business, prescribing the duties of their officers and agents, their terms of office and com-

pensation, and such rules and regulations as they may from time to time find necessary: *Provided always*, Said by-laws shall not conflict with this act, or with the Constitution or laws of this State or the United States.

§ 9. Nothing in this act shall be construed to impose any individual liabilities for the debts of the company upon any holder of stock herein.

§ 10. The said company may operate said street railway by animal power or electricity, or may use dummy steam engines.

§ 11. Said corporation must begin the building of Begin business. the Bowling Green Street Railway within two years from the passage of this act, and complete the same within five years from the beginning of construction of same.

§ 12. This act shall take effect from its passage.

Approved May 2, 1888.

CHAPTER 1432.

AN ACT to incorporate the Kentucky Stock Farm Newspaper Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. P. Johnston, A. M. Harrison, John Incorporators. Rogers, and their associates and successors, are hereby created a body-politic and corporate, with the right to sue and be sued, in all the courts of this Commonwealth; own real or personal property not exceeding one hundred thousand dollars in value, and do all other things to advance the purposes herein set forth that a natural person may lawfully do.

§ 2. The name of the corporation hereby created Corporate name. shall be the Kentucky Stock Farm Company, and its principal place of business shall be in the city of Lexington, with branches at such other places

as the interests of the enterprise may, in the judgment of the directors, require.

Nature of business. § 3. The general nature of the business of said company shall be that of editing, printing, publishing, selling and circulating a weekly newspaper devoted to the advancement of the fine stock interests of the country and other interests connected therewith.

Capital stock. § 4. The capital stock of said company shall be fifty thousand dollars, in shares of five hundred dollars each; the rights, property, franchises, choses in action and subscription list of the newspaper now published in Lexington, Kentucky, known as the Kentucky Stock Farm, may be received by said corporation at twenty thousand dollars value, and it may, for same, issue forty shares of paid-up stock of five hundred dollars each; and the corporation may commence business upon the issue of said forty shares of paid-up stock, and may increase the issue of stock to the limit named at such time and upon such legal conditions as a majority of the paid-up stock may deem best for the interests of the corporation.

§ 5. Each share of paid-up stock shall be entitled to a vote at all meetings of the stockholders, and shall be cast by the owner in person or by proxy.

Record of stock. § 6. The company shall provide and keep a book for the purpose of keeping a record of the stock, and in such book shall be entered and kept the names of each stockholder, with the number of shares owned by each designated by marks or serial numbers; and corresponding certificates, signed by the president and secretary of the corporation, shall be issued to the owners of said stock.

§ 7. No transfer of stock shall be valid except as between the parties thereto, unless made upon the said books in the manner to be provided in the company's by-laws.

§ 8. If any member shall desire to sell his stock and withdraw from the company, he shall notify the president of such desire, and of the price he asks, and he

and the president shall ascertain the real value of same, and fix the minimum price at which it shall be sold. If the two can not agree on the price, they shall call in a third person, and any two of them shall fix said price, which shall be indorsed on the stock, and for five days thereafter the company shall have the option to buy said stock, or any part thereof, at the price fixed; and should the company decline to purchase, in whole or in part, within said time, then the stock or remainder of it may be sold by its owner to any person who will buy the same at the price fixed; and in no event shall any stock be sold, except as above provided, without the consent of the board of directors.

§ 9. The corporation shall have a prior lien upon the stock of each stockholder as security for the payment of any debt he may owe it.

§ 10. The corporation shall commence business at Commence business. such time during the present year, after the conditions herein are complied with, that it may see fit, and shall continue until dissolved by a four-fifths vote of the stock.

§ 11. The corporation shall establish by-laws, and By-laws. make all rules and regulations deemed expedient for the management of its affairs not inconsistent with the laws of this Commonwealth.

§ 12. The affairs of the corporation shall be con- Management. ducted by a board of not more than six nor less than three directors, as the stockholders may from time to time determine. A president shall be elected by them from their number, and the board may appoint such other officers as they may deem proper; and it shall have power at any time to fill vacancies.

§ 13. The incorporators shall constitute the first Directors. board of directors, and they shall hold office until their successors are elected. The stockholders shall each year, at such time as they may deem best, elect a board of directors. The said directors and officers shall hold office until their successors are elected and

qualify. The corporation shall not create an indebtedness exceeding one-fourth of its paid-up capital stock.

§ 14. The private property of the stockholders shall be exempt from corporate liabilities.

§ 15. This act shall be in force from its passage.

Approved May 2, 1888.

CHAPTER 1433.

AN ACT to amend an act to incorporate the district of Clifton, in Campbell county, approved February 15, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to incorporate the district of Clifton, in Campbell county, Kentucky, approved February 15, 1888, be amended as follows, to wit: That so much of section 1 in said act as describes the boundaries of said district shall be changed so as to read as follows, to wit: "Commencing at the intersection of the Newport and Alexandria Turnpike Road and the Licking and Morgan road, at the north-west corner thereof; thence with the south boundary line of the city of Newport to Central avenue; thence with the boundary line of said city northwardly along Central avenue, on the east side thereof, to a point ninety-four feet south of Liberty street; thence westwardly along the boundary line of said city of Newport to the Licking river; thence southwardly along the east bank of the Licking river to the line between G. W. Robson, Jr., & Co. and the land of the Louisville and Nashville Railroad Company; thence along the said dividing line, easterly, to the east side of Licking Turnpike Road; thence with the east line of Licking Turnpike Road to the north side of Hodge street, as laid down on the plat of Finchtown; thence eastwardly along the north side of Hodge street to the west side of Robson street (or the old county road); thence south-

wardly along the east side of Robson street to the south side of Howell street; thence westwardly along the south line of Howell street to the east side of Licking Turnpike Road; thence southwardly along the east side of Licking Turnpike Road to a point in the south line of a subdivision of fifty acres, known as the Huling tract; thence eastwardly with the south line of the Huling tract to the south-east corner of the land of John A. Williamson and adjoining the lands of Dr. Shaler and H. Buddo; thence along and following the north line of Shaler's land to the Newport and Alexandria Turnpike Road; thence northwardly along the west side of the said turnpike road to the place of beginning.

§ 2. That so much of said original act as is inconsistent with the provisions of this act be, and the same is hereby, repealed.

§ 3. This act shall take effect from and after its passage.

Approved May 2, 1888.

CHAPTER 1434.

AN ACT to prescribe the duties and privileges of certain officers in relation to the court-house, adjacent grounds, and the Breckinridge statue, in the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts and parts of acts exempting or relieving the jailer of Fayette county from the duties and responsibilities imposed on jailers in this Commonwealth by section 9, chapter 89, of the General Statutes, and an amendment thereto, approved May 5, 1880, be, and the same is hereby, repealed.

§ 2. The said jailer shall appoint, subject to the approval of the county court of said county, on such terms and conditions as said court may prescribe, an engineer and a janitor, for service in the court-house,

care of the adjacent public grounds and of the Breckinridge monument.

§ 3. The jailer and his said assistants, in addition to such other duties as may be incumbent on them, shall, within the above named limits, have and exercise the powers conferred by law and the ordinances of the city of Lexington on the police of said city, for the protection of said property and the preservation of order.

§ 4. That the rooms and offices necessary for the business of the sheriff, circuit and county clerks, circuit and common pleas courts, quarterly and county courts, the county judge, Commonwealth and county attorneys, and school commissioner, shall, as set apart, be used for the purposes indicated rent free.

§ 5. All other offices not specifically set apart for public purposes shall, when existing contracts expire, be rented by the sheriff to such tenants as he may approve, who will pay the highest rent per month, the proceeds to be accounted for by said sheriff under his official bond: *Provided*, That the magistrates shall have the free use of the room known as the Chamber of Commerce room for court purposes, and that at all times, when not being so used, the merchants, farmers and other citizens shall have the free use of it for business, political, or other proper purposes: *Provided further*, That the county surveyor shall have, if he will agree to do the county surveying therefor, without other compensation from the county, the use of the office now occupied by him.

§ 6. This act shall take effect and be in force from its passage.

Approved May 2, 1888.

CHAPTER 1436.

AN ACT to authorize the county levy courts of Johnson, Floyd and Pike counties, in this Commonwealth, to apply their respective county levies on the property of the Charleston, Cincinnati and Chicago Railroad Company in payment of expenditures for right of way through said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county levy courts of Johnson, Floyd and Pike counties respectively, are hereby authorized to ascertain the amounts that may be paid by the Charleston, Cincinnati and Chicago Railroad Company for the right of way for its railroad through the said counties respectively, including the cost of condemnation and the respective dates at which the same may be paid, and are authorized to enter upon their respective order-books the amounts so ascertained; and to direct that the county levies of said counties respectively against the property of said railroad company shall be applied to the payment of said amounts, with the interest thereon: *Provided*, That this shall only apply to the payment of the original and complete right of way upon which said railroad may be first built.

§ 2. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1437.

AN ACT for the benefit of H. G. Trimble, of Pulaski county.

WHEREAS, Mary J. Mullins, of Pulaski county, has been adjudged by the circuit court of said county an idiot without estate for her support; and whereas, H. G. Trimble was appointed her committee, and an allowance of seventy-five dollars per annum to be paid said committee out

of the State Treasury for the support of said idiot ; and whereas, the five years from the time of holding the inquest expired at the April term of the Pulaski circuit court, 1885 ; and said committee having failed to have a new inquest held until the October term of the Pulaski circuit court, 1886, and the Auditor of Public Accounts having refused to pay the allowance after the expiration of the first inquest ; and whereas, a period of eighteen months having elapsed between the expiration and renewal of the inquest, viz : from the April term, 1885 to the October term, 1886, of the Pulaski circuit court, during which period the said H. G. Trimble, committee aforesaid, contracted debts and paid expenses in the maintenance of said idiot ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant on the State Treasury in favor of H. G. Trimble for the sum of one hundred and twelve dollars and fifty cents (\$112.50), the same being at the rate of seventy-five dollars per annum from the April term, 1885, to the October term, 1886, of the Pulaski circuit court, the date of the renewal of the inquest, out of any money in the State Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1438.

AN ACT for the benefit of Walter Holiday, of Perry county.

WHEREAS, There was sold on July 17, 1882, to Walter Holliday, by the State of Kentucky, a tract of land, formerly the property of William Grigsby, ex-sheriff of Perry county, for the sum of seven hun-

dred and seventy dollars, which was duly paid into the Treasury; but upon litigation as to the title to this property, it has, by recent decision of the Court of Appeals, been adjudged that the title belongs to one William Stacy, and the State holds the money of Holliday without any consideration; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of seven hundred and seventy dollars, in favor of said Walter Holliday, with interest at the rate of six per cent. per annum from June 17, 1882, until paid.

§ 2. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1439.

AN ACT for the benefit of William Diel, of the city of Louisville, Jefferson county.

WHEREAS, William Diel, of Louisville, Jefferson county, Kentucky, did, on the 25th day of February, 1886, apply to the county court of Jefferson county, Kentucky, for a license to keep a coffee-house on the corner of Fifth and York streets in said city, for and during the year ending March 1st, 1887, and the said court granted said application; and whereas, the said William Diel did, on said date, pay to George H. Webb, clerk of said court, the sum of one hundred dollars, and the said clerk did issue to the said William Diel such a license as ordered by said court to do, but which the said William Diel was prevented from using by his failure to obtain such a license from the general council of Louisville; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this Commonwealth be,

and he is hereby, directed and authorized to draw his warrant in favor of the said William Diel, on the Treasurer of this Commonwealth, for the sum of one hundred dollars, being the amount hereinbefore stated as paid by the said William Diel for a license to keep a coffee-house in the city of Louisville, Jefferson county, Kentucky.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1440.

AN ACT to amend an act, entitled "An act to further amend the tax laws of the city of Louisville," approved April 20, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Amend section 4, relating to insurance, by inserting the following: In addition to the license charged against the company, every insurance agent, broker, or solicitor, shall pay a yearly license fee of one hundred dollars.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1441.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the city of Covington,'" approved May 1, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said trustees be further authorized and empowered to construct and lay a main from the intersection of Thirteenth and Greenup streets, in said

city, to Third street, in said city, and thence westward along Third street to Russell street; and to do and perform said work, said trustees are hereby empowered and authorized to issue twenty-five thousand dollars additional bonds; said bonds to be issued as the other bonds are in the original act and amendments to same, excepting said trustees can sell said bonds without advertising the same, as required in the act and amendments, but not to be sold for less than par and accrued interest, excepting only the expense incurred in selling same.

§ 2. This act to take effect from its passage.

Approved May 3, 1888.

CHAPTER 1442.

AN ACT to authorize the county judge of Fleming county to order a special election for the town of Poplar Plains, in Fleming county.

WHEREAS, The town of Poplar Plains, in Fleming county, failed to elect a police judge, marshal and board of trustees at the last regular election for said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Fleming county be authorized to order an election to be held in the town of Poplar Plains, in Fleming county, on the first Saturday in June, 1888, for the purpose of electing a police judge, marshal and five trustees for said town of Poplar Plains; and said officers thus elected shall hold their respective offices till the next regular election provided for by the charter of said town.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1443.

AN ACT for the benefit of James Yager, of Henry county.

WHEREAS, James Yager has heretofore resided on a tract of land supposed to be in Henry county, Kentucky, and all persons who have heretofore lived there have been considered citizens of Henry county, Kentucky; but lately some doubt has arisen as to whether said farm is situated in Henry county or Shelby county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between Henry and Shelby counties be so run as to include the residence of James Yager in Henry county.

§ 2. This act to take effect from its passage.

Approved May 3, 1888.

CHAPTER 1444.

AN ACT for the benefit of the Carlisle graded free school district, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the event the people of the Carlisle graded free school district vote in favor of levying a special tax for school purposes, and establishing a graded free school in said district, at an election to be held on Saturday, May 5, 1888, the trustees of said school district are hereby authorized and empowered to sell or lease the present school-house and school property in said district, and use the proceeds thereof in the erection of a new building and maintaining a graded free school in said district; and any deed or

article of writing authorized to be given, or given, by said trustees as such, shall be legal and binding.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1445.

AN ACT to incorporate the Capital Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. W. McRery, Charles E. Hoge W. C. Owens, L. L. Johnson, Matt. Turney, Geo. G. White, J. M. Richart, and C. W. Goodpaster, their successors and assigns, are hereby created a body-politic, with perpetual succession, by the name and style of the Capital Construction Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as natural persons; to have and use a common seal, and alter the same at pleasure; and to conduct its business, and execute contracts in relation thereto, not inconsistent with the Constitution and laws of this State or of the United States.

Names of incorporators and corporate powers.

§ 2. The said Capital Construction Company shall have power to contract with any individuals or corporation for the construction or equipment of any railroad, street railroad, turnpike, elevator, wharf, bridge, and connecting railway line, canal, park, road-way, or other work or internal improvements in or out of the State of Kentucky; and is authorized to receive in payment for any work so done the capital stock, bonds or other securities or property of any such corporation or individual, and hold, transfer, assign, or dispose of the same to corporations or individuals, in such manner as the board of directors of said Capital Construction Company may

Nature of business.

CHAPTER 1448.

AN ACT to incorporate the Licking and Little Sandy Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry S. Willard, Edward E. Dwight, Morris L. Sternberger, Richard M. Broas, John M. Rice, their successors and assigns, are constituted a body-politic and corporate, under the name and style of the Licking and Little Sandy Railway Company; and by that name shall have perpetual succession, and be capable of contracting and being contracted with, suing and being sued, in the same manner and as fully as natural persons in relation to all things pertaining to the affairs of said company; and said corporation shall have and use a common seal, which it may alter and renew at pleasure; and shall have the rights, powers and privileges of natural persons in acquiring real and personal estate necessary or useful to the said company in building and operating a railway, with single or double track, from the cannel coal fields of Magoffin and Morgan counties, in the State of Kentucky, to a point of intersection with the line of the Maysville and Big Sandy Railroad, on or near the Ohio river, and affording suitable terminal facilities for the further transportation of the freight and passenger traffic and carrying business of the said Licking and Little Sandy Railway Company; and said company shall be, and is, authorized to acquire, hold, and dispose of any and all real estate and personal property necessary or useful in the building, maintaining and operating of its railway, and the transaction of any and all business pertaining to the said company.

Capital stock.

§ 2. That the capital stock of said company shall be five hundred thousand dollars, but may be increased by the board of directors to three (3) million

dollars, divided into shares of one hundred dollars each ; and shall be transferable upon the books of the company under such regulations as the by-laws may prescribe. The said shares shall be personal estate, and transferable as such, and the private property of the stockholders shall be exempt from the corporate debts.

§ 3. The corporators named in the first section of Commissioners. this act, or any three of them, are hereby appointed commissioners to receive subscriptions of stock in said corporation, and they may open books therefor in the city of Ashland, Kentucky, and at such other points in and out of the State, and keep them open for such time as they may deem expedient ; and when twenty-five thousand dollars shall have been subscribed, they may call a meeting of the subscribers and proceed to further organization of the corporation. Lands in this State may be accepted in place of cash as subscriptions to the capital stock of this corporation.

§ 4. The business affairs of said corporation shall Management, by whom. be managed by a board of not less than five nor more than thirteen directors, to be chosen by the stockholders, and the directors from their number shall elect a president, and may appoint such officers and agents as are deemed necessary by them in the management of the corporate affairs. The first board of directors shall be the corporators named in the first section of this act, and they shall continue in office until their successors are elected by a majority in interest of the stockholders.

§ 5. That the said Licking and Little Sandy Rail- Class of business. way Company shall be, and is hereby, authorized and empowered to locate, construct, complete, maintain, and operate a railway, with any number of tracks and lines of telegraph and telephone lines as the corporation may desire, and for that purpose shall be entitled to acquire title to necessary rights of way, and such additional grounds as may be necessary for the build-

ing, maintenance, and operation of said road ; and it shall have the right to connect with any one or more of the railroads now in existence in the counties through which it may build its road, and to construct, build, and furnish said railway with all necessary side-tracks, turn-outs, switches, depots, stations, and all other necessary buildings, erections and structures for the convenience of operating said railway and carrying on its business ; and with all rolling stock of every sort and kind, and all other machinery, implements, and property the company may deem necessary or useful for the proper transaction of its business ; and shall have power to operate and maintain the same ; and for said purpose said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, conveying and transferring all real, personal and mixed property which may be necessary or useful to the carrying out of the objects of this act.

Rights of way. § 6. Whenever it shall be necessary for said corporation to have, use or occupy any land, material or other property in the construction or location of roads or railroads, or repairing same, or the construction or repair of works or buildings necessary for said corporation, it shall be lawful for it, by agents, engineers and surveyors, to enter upon and take possession thereof, after the donation, purchase or due condemnation as provided in this section ; but all lands, material or other property thus taken by the said corporation, and not donated to it, shall be purchased of the owners thereof at a price to be mutually agreed upon ; and in case of any disagreement with the owner as to the price of any land, material or other property so required ; or if the owner is under any disability in law, or any cause whatever, to contract, or absent from the county in which the property may lie, then the said corporation may have the same condemned to its use in the manner prescribed in the act

of this General Assembly, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11, 1882.

§ 7. Said corporation shall have power to borrow money at an interest not exceeding six per cent. per annum, and to pledge and mortgage its property, or any part thereof, to secure the payment of the money so borrowed; and may issue bonds, payable at such time and place, and in such manner as the board of directors may order: *Provided*, That bonds so issued shall not exceed in amount the capital stock of the corporation. May borrow money.

§ 8. That it shall be lawful for the incorporate authorities of any city or town through which the said railway shall be located to sell or lease to the said railway company, as a right of way, the right to lay a single or double track through said city or town, or any portion of the same, on any street or highway that said railway company shall select for that purpose: *Provided*, It shall not unnecessarily interfere with the business or commerce of said city or town: *And provided further*, That said company shall be liable for all special damage that may be done to individual property. Right of way through city or town.

§ 9. That whenever it shall be necessary, in the construction of said railway, to intersect or cross any stream of water or turnpike road, railway, or highway lying along or crossing the route of said railway, it shall be lawful for the company to construct the railway across or upon the stream of any such road; but the company shall restore such streams, road or highway thus intersected to its former state, as near as may be, or in such manner as not to impair its usefulness; but if said company, after having selected a route for said railway, find any obstacle to continuing in said location, either by difficulty of construction or procuring the right of way at a reasonable cost, or whenever a better or Intersection with roads and streams.

cheaper route can be had, it shall have the authority to vary the route and change the location.

§ 10. The right to amend or repeal this charter, or any amendment thereto, is hereby reserved to the Rights of General Assembly. General Assembly, according to the provisions of the act in respect to corporations, approved on the 14th of February, 1856: *Provided*, That if the corporation hereby created shall not, in good faith, begin the construction of its road within two years from the passage of this act, and shall not complete the same within five years thereafter, the said corporation, and all powers conferred hereby, shall cease as to all such portions thereof as shall then be uncompleted.

§ 11. This act shall take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1449.

AN ACT for the benefit of certain persons in the county of Daviess.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who are liable to work upon county roads in the county of Daviess, and who now or may hereafter live upon lands which adjoin the gravel roads and do not adjoin other county roads of said county, are hereby released from the working on said county roads or any penalties for failure to work same.

§ 2. This act to take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1450.

AN ACT to legalize certain levies of taxes made by the trustees of the town of Earlington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the taxes levied and ordered to be collected by the trustees of the town of Earlington, at a meeting held on the second day of April, 1885, a meeting held on the fifth day of April, 1886, and a meeting held on the fourteenth day of April, 1887, and re-levied by order of record at a meeting held on the twenty-fifth day of April, 1888, are hereby legalized and made valid and binding.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1451.

AN ACT to amend an act, entitled "An act to incorporate the Southern Baptist Theological Seminary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Southern Baptist Theological Seminary is hereby empowered and authorized to borrow money, not exceeding fifty thousand dollars, and to secure same by mortgage upon any realty owned by it in this State.

§ 2. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1452.

AN ACT to repeal an act, entitled "An act in relation to official sales in the county of Bracken," approved March 8, 1876, and the amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act in relation to official sales in the county of Bracken," approved March 8, 1876, and the amendment thereto, approved March 26, 1878, be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1453.

AN ACT to incorporate the Mount Sterling Natural Gas and Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers.

§ 1. That J. O. Miller, Thomas Turner, E. N. McCormick, Adam Baum, J. M. Tenney, Irving Halsey, John M. Elliott, G. L. Kirkpatrick, H. M. Woodford, W. O. Chenault, Joseph Embry and A. Y. Lockridge, their successors, associates and assigns, be, and they are hereby, created a body-corporate and politic, under the name and style of the Mount Sterling Natural Gas and Oil Company, with perpetual succession; and in that name may contract and be contracted with, sue and be sued, plead and be impleaded; and have and use a common seal, which they may alter or amend at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be (\$50,000) fifty thousand dollars, which shall be divided into shares of twenty-five dollars each.

§ 3. The office of said company and its principal Place of business place of business shall be at Mt. Sterling, Kentucky.

§ 4. Said company may elect such officers, for such Officers. terms, as may be provided by by-laws. It may demand such bonds for the faithful discharge of the duties of any of its officers, agents or employees, as it may deem proper or necessary.

§ 5. Said company shall have the power to buy and Real estate. lease and hold the title to real estate, and may sell, mortgage, dispose of, or otherwise deal with the same as a natural person.

§ 6. It shall have the power to dig, bore or drill for Class of business oil or natural gas, or other mineral substance, on any lands owned or controlled by it, and to sell or otherwise dispose of such oil, gas or other commodities as it may see proper. It shall also have power to transport gas or oil by pipes or otherwise, either under or above the lands of others, to Mt. Sterling or other points, and may dig ditches or trenches for that purpose through the lands of other persons, and erect such buildings or walls, or other contrivances thereon, as may be necessary, in its discretion, for that purpose, or any of the purposes mentioned in this section. But it shall be required to pay such damages, if any, as the owners of said lands may sustain by reason of such digging, erecting, building, etc., and such right may be enforced by the appropriate legal methods.

§ 7. As soon as twenty-five hundred dollars of stock Organization. is subscribed, said company may organize, pass by-laws and elect officers, and may make an assessment of not exceeding ten per cent. on each share of stock subscribed, which shall be appropriated, when collected, to boring for oil or gas. Such assessment may be repeated not oftener than once in thirty days, until the whole amount of said stock is paid up.

§ 8. The operations of said company in digging and Board of directors. boring for gas and oil shall be conducted under the supervision of a board of directors to be elected by the

stockholders, each stockholder being entitled to one vote for each share of stock held by him.

Eligibility of
stockholders.

§ 9. No person not a stockholder shall be eligible to election as an officer or director of said company ; and stockholders may vote either in person or by written proxy.

Exemption of
private property.

§ 10. The private property of stockholders shall not be liable for debts of the company.

By-laws.

§ 11. Said company may make any by-laws not inconsistent with the Constitution or laws of the United States or the Constitution or laws of the Commonwealth of Kentucky.

§ 12. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1454.

AN ACT for the benefit of Alex. G. Morgan, of Fayette county.

Preamble.

WHEREAS, A prisoner, one A. B. Bowling, of Rowan county, was sent to the jail of Fayette county, at Lexington, for safe-keeping, in March, 1885 ; and whereas, the jailer of Fayette county was notified that a mob would probably attempt to take said prisoner from said jail on the night of March 26, 1885 ; and whereas, said jailer called on the sheriff of Fayette county to protect said jail ; and whereas, said sheriff summoned Alex. G. Morgan and others to serve as a posse in the defense of said jail ; and whereas, said Alex. G. Morgan, Jr., while serving on said posse, under compulsion of said summons, was shot and seriously wounded, without any fault on his part, and was, by reason of said wound, put to very great expense, besides great and long suffering and loss of time, and is now permanently and almost totally disabled and crippled in his left arm ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Governor of this Commonwealth be,

and he is hereby, authorized and empowered to investigate all the facts of said wounding, and the amount of medical and other expenses incurred by said Morgan by reason of the same, and to fix upon such a sum as in his judgment, from such investigation, was incurred and expended. Governor authorized.

§ 2. That upon the written certificate of the Governor fixing said amount being presented to the Auditor, he shall draw his warrant on the Treasurer for the amount so named in favor of said Alex. G. Morgan, and the Treasurer shall pay the said sum to the person so named out of any moneys in his hands not otherwise appropriated. Auditor.

§ 3. This act shall take effect from and after its passage.

Approved May 8, 1888.

CHAPTER 1455.

AN ACT to amend the charter of the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections three (3), six (6) and nine (9) of an act, entitled "An act to amend an act to amend, digest and reduce into one all the acts incorporating the city of Lexington," approved April 19, 1882, and all acts amendatory thereof, which was approved February 15, 1888, be, and the same are hereby, repealed. Sections repealed

§ 2. The officers of the city of Lexington (except the recorder and the clerk of the recorder's court) elected on the first Saturday in March, 1888, and to be elected on the same day biennially thereafter, shall, after receiving certificates of election and on qualifying, enter upon the duties of their respective offices on the first Thursday after the second Saturday of April following their election, and hold their offices for the term of two years, and until their successors are elected and qualified. Elections.

§ 3. That all officers of said city elected by the general council shall be elected by the said council on a *viva voce* vote at its first meeting after its election, or at an adjourned meeting to be held for that purpose not later than one month from the installation of said council; and said officers so elected shall take their offices as soon after their election as they may qualify, and they shall hold their offices for such period as the general council may prescribe, not exceeding two years.

§ 4. Members of the legislative department of the government of said city shall have resided in said city for two years next preceding their election; shall be male citizens of the United States and of the State of Kentucky; bona fide residents of the ward from which they may be chosen; house-keepers or owners of real estate in said city; shall have attained the age of thirty years in the case of aldermen, and twenty-four years in the case of councilmen; of good moral character; able to read and write the English language; and any part of any act prescribing any other or additional qualifications is hereby repealed.

§ 5. Each member of the general council shall receive three dollars for any stated and called meeting of said board; but each absentee shall forfeit his pay unless his absence be caused by sickness or absence from the city: *Provided, however,* That no member shall, under this section, receive more than six dollars for any one month.

§ 6. That the city of Lexington be, and is hereby, authorized and invested with the power to condemn lands, quarries and materials, either within the corporate limits of said city or without the same, in the county of Fayette, whenever and at whatever point the general council may determine and deem necessary for the purpose of procuring such land, earth, stone or other material for the use of said city for purpose of grading, building, making or repairing streets; the proceedings for such condemnation shall

be the same as authorized by the General Statutes to railroad and turnpike companies, being entitled "Condemnation of Land for Railroads and Turnpikes."

§ 7. The keeper of the poor and work-house shall Keeper of poor-house. be required to furnish and put in place all the rock and stone required for street crossings, and to remove all the mud and waste from the streets for the city necessary to keep them clean, for which he shall receive the same compensation now allowed for like material and services.

§ 8. The grading and supervision of the streets and Streets. highways of the city shall, subject to the regulations of the general council, be under the direction of the city surveyor, and for his services he shall receive such a salary as the general council may provide, not exceeding twelve hundred dollars per annum. That the treasurer of the city, for collecting all Treasurer. moneys received by him for the city for licenses, shall, in addition to his salary as fixed by ordinance, be entitled to the same percentage allowed to the city collector for money received by him for licenses.

§ 9. That after the expiration of the terms of office for which the present city officers now in office have been elected, the salaries, fees and compensation of all city officers may at any time be altered and changed by the general council, in its discretion, whether before the commencement of as well as during the term of any officer, not, however, beyond the maximum amount now allowed by law.

§ 10. The judge of the Lexington city court shall receive such salary as may be allowed by the general council, not exceeding twenty-five dollars per month.

§ 11. The general council shall have the power and Exempt from taxation. authority, if in their discretion they deem it best, to exempt from taxation for city purposes stocks, bonds, money and choses in action of every kind whatsoever ;

or they may fix and regulate the rate of taxation upon the same, not beyond that fixed and collected upon real estate. This exemption, in the discretion of the general council, may be applied to the tax levy for the present year.

Issue bonds.

§ 12. The mayor and general council of the city of Lexington are hereby authorized and empowered to issue bonds of said city in any amount not exceeding fifty thousand dollars, payable thirty years after date, but redeemable any time after twenty years therefrom, at the option of the city, and bearing interest at a rate not exceeding five per centum per annum, payable semi-annually, the proceeds arising from the sale of said bonds to be first applied to the payment and satisfaction of the floating debt of said city.

Recorder's court.

§ 13. The recorder's court of the city of Lexington, from and after the passage of this act, shall have exclusive jurisdiction of all pleas of the Commonwealth arising within the corporate limits of said city, when the punishment is limited to a fine of fifty dollars; but nothing in this section shall be construed to divest the justices of the peace, whose districts are included within said city, of the jurisdiction of infractions of the penal laws now exercised by them.

Police and fire department.

§ 14. No member of the police or fire department shall be a delegate to, or in any manner take part in, any political convention, or in any election, primary or legal, except to cast his own vote. No person shall be eligible to the position of policeman unless he be known to be of good moral character, sober, discreet, and to lead a moral life; not under twenty-eight and not over fifty years of age. No person shall be a policeman or fireman while under indictment for felony; nor shall any one be permitted to remain in service as such while under indictment for felony; nor shall any person be retained on the police force who makes his abode in a house where liquor is sold, or who is in any way interested in the sale of liquor.

§ 15. No policeman or member of the fire depart-

ment shall, at any election, primary or legal, remain at any voting place or poll, or approach nearer to the same than sixty feet, save only for these following purposes: To make an arrest under a warrant or for an offense committed in his presence; for a felony without a warrant; to cast his vote; to suppress a breach of the peace then impending, when called upon to do so by the authorities conducting the election, or when called upon by said authorities to aid them in the fair and impartial discharge of their duties. A violation of any of the provisions of this section shall be deemed an interference with an election, and shall subject any policeman or fireman so offending, on conviction under indictment in the Fayette circuit court, to a fine of not less than two hundred and not more than five hundred dollars, and confinement in the county jail of Fayette county not less than six and not more than twelve months. On the finding of any such indictment, the policeman or fireman so indicted shall be at once dismissed. For being drunk, or for any violation of duty, any policeman or fireman shall be at once dismissed. No person convicted of a felony, either in or out of this State, shall be eligible as a fireman or policeman.

§ 16. It shall be the duty of the county attorney of Fayette county to make an examination of the annual statement, accounts and affairs of the city collector and of the city treasurer, at the end of each fiscal year, and to carefully examine and compare the annual settlement of each, and to report, in writing, the result of such examination to the general council at its next regular meeting after such examination; and for his services in this respect he shall receive a salary of three hundred dollars, to be paid quarterly out of the city treasury as other claims are paid.

§ 17. This act shall take effect and be in force from its passage.

Approved May 3, 1888.

CHAPTER 1456.

AN ACT to authorize the Fayette county court to subscribe stock for turnpike purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Fayette county, a majority of the justices of the peace of said county concurring, is hereby authorized to subscribe, if said court shall deem it prudent and wise to do so, to the capital stock of any company organized, or that may hereafter be organized, to grade and macadamize Bryan's road, running from the Winchester pike, in Fayette county, to the Todd's road in the same county, not exceeding sixteen hundred dollars per mile for each mile hereafter constructed; and a like sum to any company that may hereafter be organized to grade and macadamize the Dry Branch road, running from a point on the Jack's creek road, near the Pulley lane, to a point near the mouth of Cofer's branch, two miles more or less, upon such terms and conditions to secure the right of the tax-payers as said court may deem best.

§ 2. The said court is also authorized to look into the affairs of the Athens and Walnut Hill Turnpike Company; and if it is deemed right and equitable to do so, they are empowered to increase the subscription heretofore made to the capital stock of said road to one thousand and fifty dollars per mile.

§ 3. All expenditures of the character set forth in this act shall be made by the county court on business principles, and under such supervision as may be necessary to guard and protect the welfare of all the people of the county.

§ 4 This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1457.

AN ACT authorizing all persons living on the Meat-house fork of Wolf creek, in Martin, to erect and keep water-gaps across said fork from its mouth to Lee Robinson's mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all persons living on the Meat-house fork of Wolf creek, in Martin county, be, and they are hereby, authorized to erect and keep water-gaps on said fork, at any place they may desire, from its mouth to Lee Robinson's mill: *Provided*, That the same is opened for the free passage of timber, or any other thing that may be necessary to float out on the stream, when demanded to do so by any person owning or controlling timber, or any other thing that they may have on hand to float out of said fork.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1458.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelbyville," approved March 22, 1873, and all subsequent acts amendatory thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of the town of Shelbyville be, and they are hereby, authorized and empowered to open and establish any additional street or alley within the corporate limits of said town that is now or may hereafter be necessary for the convenience of the town or of the citizens thereof: *Provided*, That in the condemnation of any property that may be necessary for the opening of any street or alley, said trustees shall proceed according to, and be gov-

erned by, the provisions of article 6, chapter 107, of the General Statutes of the State of Kentucky.

§ 2. That all acts heretofore done by the board of trustees of the town of Shelbyville in opening and establishing streets and alleys in said town be, and the same are hereby, ratified and confirmed.

§ 3. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1459.

AN ACT for the benefit of the jailer of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the fees of the jailer of Pulaski county for feeding all prisoners in the county jail, who are in jail charged with the commission of any misdemeanor, or upon conviction for any misdemeanor, which fees are due from or chargeable to the county of Pulaski, shall be due and payable quarterly, viz: on the first Mondays of January, April, July and October of each year.

§ 2. That at the times mentioned in section 1 of this act said jailer shall make out all of his said accounts, due and payable by the county, which have accrued up to said date, and present same to the county judge, who shall examine and audit same, and if correct, said county judge shall approve same and certify the account to the treasurer of Pulaski county for payment; and same shall be paid by the treasurer upon presentation.

§ 3. The county levy court of Pulaski county shall take such steps as are necessary to render this act effectual.

§ 4. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1460.

AN ACT to remove and take out three mill-dams in Station Camp creek, in Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the three mill-dams on Station Camp creek, in Estill county, Kentucky, known as William Henderson dam, Daniel and Kidwell dam, and Speed Campbell dam, be taken out and removed from said creek.

§ 2. That before said mill-dams shall be removed, W. T. B. Williams, J. D. Winn, and Mat. Cockerell, of said county, who are hereby and herein appointed commissioners to assess and equitably fix the value of said dams belonging respectively, after being first duly sworn, shall proceed to value the same, and the amount at which said dams are so valued is made up, and the money paid over to the owners thereof, or tendered to them, then the parties interested in the removal of said dams may proceed to remove same.

§ 3. This act to take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1461.

AN ACT to incorporate the Mulberry Hills Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George Gaulbert, Wm. Clark, W. S. Incorporators. Wymond, S. P. Meyer and Oscar Fenley, their associates and successors, be, and they are hereby, incorporated, by the name of the "Mulberry Hills Improvement Company;" and may have and exercise

the privileges and powers usually incident to corporations, including the powers "to have perpetual succession; to be sue and be sued by said corporate name; to have a common seal, and alter the same at pleasure; to render the shares or interests of stockholders transferable, and prescribe the mode of making such transfers; to exempt the private property of members from liability for corporate debts; to make contracts, acquire and transfer property, as hereinafter stated, and to establish by-laws, and make all rules and regulations deemed expedient for the management of their affairs, not inconsistent with the Constitution or laws of this State or of the United States."

Capital stock. § 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

Management. § 3. The affairs of said company shall be conducted by a board of directors, consisting of not less than five nor more than nine members, who shall be elected by the stockholders as soon as practicable after this act takes effect; and thereafter on, or as soon after as may be, the second Monday in January of each year, and for a term of one year, and until their successors are elected and qualify. Said board shall elect one of their own number to be president, and one to be vice-president of the company, and may elect a secretary and treasurer, and such other officers and agents as may be deemed proper.

Real estate. § 4. Said company is authorized to acquire and hold, sell, encumber, or in anywise alien, not exceeding five hundred acres of land, in the county of Jefferson, south of the city of Louisville, west of Beargrass creek, and east of Third street, were the same extended in a right line, and to improve the same by laying it out (and any other adjacent lands the owners of which agree) in lots, streets, alleys, parks, and highways, and by causing houses and other improvements to be built thereon, and by grad-

ing and paving such streets and highways, and planting trees along them; and may lend money on the security of any part of said land which it may sell, not exceeding the purchase price thereof and of the improvements thereon, and may procure gas and water to be furnished upon said land by the Louisville Gas Company and Louisville Water Company, on such terms as may be agreed upon with them respectively, and to provide convenient transit to and between said land and the city of Louisville, by constructing (within two years from the date of this act) and operating an animal, cable, electric, or steam power railway, not exceeding altogether seven miles in length, over and from said land to and connecting with any street car line or lines within said city, at a point or points not more than seven hundred yards from the city limits: *Provided*, That said railway shall not, within said city limits, be operated by steam power: *And provided further*, That before said railway shall be constructed within the limits of said city, the consent of the city council, by resolution, shall first be obtained: *And provided further*, That said railway, when constructed, shall be a common carrier, and subject to all the duties and liabilities of a common carrier. In case the land desired for right of way belongs to infants or other persons under disability, or the owners thereof and said company can not agree about its use therefor, upon compensation therefor, said company may acquire the right of way for said railway by condemnation in the manner prescribed by law.

§ 5. The private property of stockholders shall be exempt from liability for the debts of said company.

§ 6. This act to take effect from and after its passage.

Approved May 8, 1888.

CHAPTER 1462.

AN ACT to amend the charter of the Vanceburg, Salt Lick, Tollesboro and Maysville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said turnpike road be, and it is hereby, divided into two sections, to be known as section "No. 1" and section "No. 2." All that part of said road lying between Vanceburg and the west end of the Cabin creek bridge east of Tollesboro, section No. 1, to include the said bridge over Cabin creek, shall constitute section "No. 1," and the balance of said road, viz: to its terminus west of Tollesboro, shall constitute section "No. 2."

§ 2. That at the next annual election for officers of said road company, and annually thereafter, there shall be elected a president and a board of two directors, who shall manage and control section No. 1; and at the same time and place, and annually thereafter, there shall be elected a president and a board of two directors, who shall manage and control section "No. 2," or all that part of said road from the junction of the Poplar Flat and Indian Run Turnpike with this road, thence west to its terminus at the Mason and Lewis line.

§ 3. That the provisions of the charter and its amendments, to which this is an amendment, shall govern in said elections, and be applicable in all respects to the management of each of said sections of said road so far as it is consistent herewith.

§ 4. That after the election and qualification of the president and board of directory for section "No. 2," then all that part of said road designated as "section 2," shall be managed and controlled by them, but as an independent road company: *Provided, however,* That nothing in this act shall affect any contracts or

indebtedness of said road company existing at the passage of this act.

§ 5. The president and board of directory of said ^{Branch.} section "No. 2" (Tollesboro end) are hereby empowered to branch their section one mile from any point at or near Tollesboro; thence south-west, or running in the direction of the old "Richland County Road;" said branch road to be built according to the specifications of a competent engineer; and the county judge ^{County may subscribe.} of Lewis county may subscribe one thousand dollars (\$1,000) in stock to said section "No. 2," payable in the bonds of Lewis county, and deliver the same to the president of said section "No. 2," to be applied by him to the building of said one-mile branch; the balance of the cost of said branch to be raised by private subscription and created as stock to the said ~~subscribers in said turnpike road company.~~

§ 6. All laws in conflict with this amendment are hereby repealed.

§ 7. This act to take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1464.

AN ACT to incorporate the Pittsburg, Kentucky and Nashville Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. J. Moss and David G. Colson, of Bell ^{Incorporators.} county; C. M. Parsons, of Pike county; W. H. Michels, of Letcher county; J. W. Forrester, of Harlan county; T. C. H. Vance, John H. Ward, Attila Cox, Henry S. Barker, of Louisville, Kentucky; S. F. J. Trabue, of Frankfort; T. Peddicord, of Ohio, and John A. Woods, New York, be, and they are hereby, appointed a board of directors, under the authority of

Name. whom subscriptions may be received to the capital stock of the Pittsburg, Kentucky and Nashville Railway Company, which is hereby incorporated; and they, or any three of them, may cause books to be opened for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice as they may deem proper: *Provided*, That any subscriptions tendered at any time by any individual, corporation, town or civil district, may be received by said directors.

Capital stock. § 2. That the capital stock of said company shall be five million dollars, in shares of one hundred dollars each, and which may be increased not to exceed thirty thousand per mile. When one thousand shares of said stock shall have been subscribed, the subscribers, their assigns and successors shall be, and they are hereby declared to be, incorporated into a company by the name Pittsburg, Kentucky and Nashville Railway Company; and by this name shall be capable of purchasing, holding and disposing of real and personal property necessary to the purposes of the incorporation; and shall have perpetual succession; may sue and be sued; may assign and receive assigned property and stocks; may sell and dispose of the company's stock as needed; contract and be contracted with; and have and use a common seal, together with all powers and privileges of other similar organizations: *Provided*, That the lands acquired by the company, and which may not be necessary for the operation or the construction of the road, shall be sold within five years after the completion of the road through the counties in which the lands lie.

Subscriptions. § 3. The subscriptions for stock in said company shall be payable in such installments and at such times as the said directors may require, due notice having been given; and if any subscriber fail to pay any installment on such notice and demand, the same may be recovered by an action at law in any court having jurisdiction; and subscriptions to the capital

stock may be made payable in material, supplies, work, or other things necessary to the purposes of the corporation, whether real or personal, on terms acceptable to the directors.

§ 4. The directors named in section 1 shall serve First board of directors. until their successors are elected on the first Wednesday in May, 1888; and shall elect one of their number as president, and allow him such compensation as they President. may think proper. To continue the succession of the president and directors of said company, a board of not less than five directors shall be chosen annually on the second Wednesday in May, at such place as the directors may appoint; but the directors may change the time of holding said annual stockholder's meeting by publishing notice of such change not less than twenty days prior to said meeting, in one or more newspapers on or nearest the line of the proposed road. The directors shall elect a president of said company from their number, and fix his compensation; and shall fill all vacancies in the board or other officers of the company which may occur from any cause; and the president and directors shall serve until their successors are duly elected and enter on the duties of office. In all stockholders' meetings each stockholder shall be entitled to one vote for each share owned in person or by written proxy; general meetings may be called at any time by the president and directors or by stockholders owning over one-half the stock subscribed for, on twenty days' notice of the time and place of holding the same, in such newspaper as aforesaid, the object of such meeting being specified.

§ 5. That at each annual meeting the president and Exhibit. directors shall render a complete exhibit of the affairs of the company, embracing the financial and working condition of said road; the president and directors, if required, shall swear or affirm that they will well and faithfully perform the duties of their offices; and they shall appoint a treasurer of said com-

pany, and require him to execute to them a good and sufficient bond for the faithful performance of his duties as treasurer; they may also appoint a secretary and such other officers and employes as may be necessary, and may remove the same at pleasure, and may determine the salaries and wages of all such employes.

Powers.

§ 6. The company shall have power to erect, control and conduct workshops, warehouses and other buildings necessary for the uses of the company; and may enact all by-laws deemed proper for the management of the company, and for exercising the powers hereby invested. In addition to the sale of stock, said company may borrow any sum of money not exceeding thirty thousand dollars per mile of railroad built, or to be built, and secure the payment of the same by mortgage upon the said road or its branches, and the property fixtures thereto.

§ 7. That the president and directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from any point on the Pike county, Kentucky, boundary, between Kentucky and West Virginia, to a point on the Tennessee border, in Bell or Whitley county, Kentucky, towards Nashville, Tennessee, by the best and most practicable route, passing through Pike, Letcher, Bell and other counties, and to the construction of branches from said main line; they may connect, consolidate or make traffic arrangements with any other railway company, or they may purchase or lease any other railway, so as to make continuous the main line, or any branch thereof; they may make contracts, to be signed by the president, with any company, corporation or individual, for building said road, or any part of it; and they, their agents, employes or engineers, may enter upon and use or excavate any land which may be necessary to the construction, uses and repair of the said road or its branches and appurtenances; and may build bridges,

tunnels, and use timber, earth, gravel, stone and other material needed for the construction and repair of said road.

§ 8. It shall be lawful for this company to construct Business. such branch railroads as it may deem proper for the interests of the main line; and for this purpose all of the powers and privileges granted herein to construct and operate the main road are also hereby conferred for the construction and operation of such branches..

§ 9. Said company may construct or purchase, own and operate, a telegraph line; and it may establish an express company, subject to the usual restrictions. Said company may acquire any corporate rights, privileges and franchises in other States, and use the same similar to those acquired herein, not inconsistent with the laws of the Commonwealth. The company shall begin work on its proposed lines within two years, and complete the same within five years from the passage of this act.

§ 10. This act shall take effect from and after its passage.

Approved May 8. 1888.

CHAPTER 1465.

AN ACT to establish a road and bridge law in Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy court of Hancock county shall, Supervisor of roads. at its regular term, 1888, and every two years thereafter, elect a supervisor of roads in and for said county, who shall be a citizen of the county, and a man of good moral character.

§ 2. The supervisor shall, at the next regular term Supervisor shall qualify. of the Hancock county court after his election, execute bond to the Commonwealth for the benefit of Hancock county, with sureties to be approved by

the court in double the amount of the bridge and road funds, and shall take an oath for the faithful discharge of his duties. The taking of said oath and the execution of said bond shall be noted on the order-book of the court. The bond shall be recorded in the order-book and the original carefully preserved on file in the office of the clerk of said court. Copies of the said bond shall be competent as evidence in any suit, proceeding or prosecution against the supervisor and his sureties, or either of them, for breach of said covenant. The said county court, or any person aggrieved, may from time to time, institute suit against the supervisor and his sureties on said bond (or against his or their personal representatives), in any court of competent jurisdiction, for any loss or damage sustained by the acts or omissions of the supervisor. The said bond shall not be void or discharged on the first or any other recovery, nor until all persons aggrieved shall be satisfied.

Duty of supervisor.

§ 3. It shall be the duty of the supervisor at the county court-house in Hancock county, on the first Monday in March in each year, after twenty days' printed notice posted at each voting place in the county, to let out to the lowest and best bidder, who shall give bond with good surety, approved by the supervisor, the working and keeping in repair of all the roads in said county for the term of not less than one year nor more than two years thereafter, the said work to be done as prescribed in the bonds of contractors; to let out at such times as needed, and on reasonable (printed) notice, the building and repairing of all such bridges and culverts as are not embraced in the contracts for working roads; to superintend the opening, widening and changing of roads; superintend erection of gates on public roads; to receive new roads and alterations in roads, and to report same to the county court when and in the manner directed by the said court; and to see that all roads and bridges are kept clear of obstructions and at all times in good

order for travel and transportation: *Provided*, That for the purposes enumerated the fund raised under this act, and which may be otherwise raised by the levy court, shall be sufficient, and if not sufficient, then it is to be used at such places and for such purposes as the supervisor, under the general directions of said court, may deem proper; and the court, in giving such directions, shall have due regard to the public good, and to the wants of the different parts of the county. The said court shall prescribe a period in each year Repairing roads. within which the levying and grading of roads shall be done; but said period shall not extend beyond the first (1st) of September in any year. It shall be the Failures of contractors. duty of the supervisor to report in writing to the judge of the Hancock county court all failures of contractors to comply with their contracts in regard to roads or bridges, and to appear and prosecute in all proceedings against such delinquents so reported by him. The supervisor may designate certain roads or parts of roads that are not to be let out, as hereinbefore required, but which are to be worked and kept in repair, either by special contracts privately made, or by hands and teams hired by him or by delinquent taxpayers, or by persons sentenced to labor, or who by law may be liable to work out fines imposed by juries or courts. But it shall be the duty of the supervisor Annual report of supervisor. to return to the county court, at its September term in each year, a description list of such roads, which shall be recorded in its order-book, and also to report in writing all hands and teams hired and amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work, the places where and length of time and name of persons working out fines or sentences on roads; and it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee; and he may, if necessary, put balls and chains on convicts to prevent their es- Convicts.

cape. Such overseers and persons hired as herein provided are to be paid out of the county levy. Delinquent tax-payers shall be put out on roads convenient to their place of residence, and shall be allowed credit at the rate of one dollar for each full day's work.

Bond of contractor.

The contractor's bonds required by the preceding section shall be given to the Commonwealth for the benefit of Hancock county, with good surety, to be approved and attested by the supervisor in at least double the amount of the value of the work to be done, and conditioned for the faithful performance of the work within the prescribed time; and shall be returned by the supervisor to the county court at its next ensuing term, which fact shall be noted of record and the bonds kept by the clerk of the court in his office vault labeled and marked "contractor's bonds." Similar bonds shall be taken for the work let at private contract, and shall be returned and kept as the other contractor's bonds. Certified copies of said

Fines for failure of contractor.

bonds shall be competent as evidence. For any breach of a contractor's bond he shall be liable to a fine from ten dollars to one hundred dollars, and to action for damages by all parties aggrieved thereby. Upon the filing of the report of the supervisor that any contractor has failed to comply with his contract, or upon information or oath of any person, or on his own knowledge, that any road or bridge embraced in said contract is out of repair, the judge of the quarterly court of Hancock county shall forthwith issue from, and make returnable to, his court a warrant in the name of the Commonwealth against the delinquent contractor, and when executed proceed forthwith to try the same as other Commonwealth warrants are tried. The sureties of all delinquent road and bridge contractors shall be liable for all fines imposed and judgment for damages rendered against their principal under this act. All parties proceeded against as hereinbefore provided shall be entitled to trial by a jury.

Judge of the quarterly court.

§ 5. For any violation of, or failure without good cause, to discharge any duty prescribed by this act, the supervisor shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined therefor not less than ten nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky, to be issued by, and returnable before, the county judge of Hancock county sitting as judge of the quarterly court; and it shall be the duty of said judge to issue such warrant upon his own knowledge, or upon information of another, on oath. On the trial of such warrant the supervisor shall be entitled to a jury, if demanded, and may testify in his own behalf.

Liability of the supervisor.

§ 6. That the supervisor shall, on the order of the county judge entered of record, hire teams and procure forage for the same, and either hire or purchase for the county such tools and implements as may be necessary and suitable to perform the work, which he may have done by hired hands, delinquents or convicts. He shall be responsible on his bond for the preservation and safe-keeping of such tools and implements; and it shall be unlawful and a breach of his bond, to loan or hire out the same, or to suffer any one to use, unless under his contract as supervisor. The supervisor shall give orders for the cost of said tools, etc., for necessary repairs on same, for sustenance for work stock hired, and for wages of hired hands and overseers, which shall be approved and paid as other road expenditures. He shall keep duplicate orders, and report to the county court at its September term each year an itemized account of all moneys expended by him for the foregoing purposes.

Teams tools

§ 7. The county judge and justices sitting as a levy court shall, at any regular or called term, fill vacancies in the office of supervisor, and it shall be the duty of the said judge on the occurrence of a vacancy to immediately call the court together for that purpose.

Vacancy in the office of supervisor.

§ 8. All fines assessed under this act shall be col-

How fines used.

lected as other fines, and shall, less county attorney's commissions, inure to the benefit of the road fund of Hancock county, and shall be paid out by the collecting officer as the road fund is paid; and the tax collector shall report amount of fines, and from whom collected, to the levy court annually.

Bridge commis-
sioner.

§ 9. The levy court may appoint a special commissioner to let out and superintend the construction or repairing of any bridge or bridges, and fix his compensation therefor: *Provided, however,* That the supervisor shall not be liable for any defects or failure in regard to such bridge. But the special commissioner shall be liable therefor, and the court shall require him to give bond with surety.

Roads opened
and widened.

§ 10. Roads in Hancock county shall be established under the provisions of General Statutes in regard to opening roads, not less than thirty nor more than one hundred feet wide; and the county court may widen roads already established as hereinafter directed, not, however, to exceed one hundred feet in width. Upon written information under oath of the supervisor, or of any two citizens of Hancock county, being filed in the Hancock county court at any regular term, to the effect that any public road or part thereof is not sufficient width for the convenience of public travel, the said court shall appoint three suitable persons to view the same, who shall report in writing under oath to the court at its next term the present width of said road at the point or points designated, the character of the ground over which it passes, of the land adjacent thereto, and the purposes for which the adjacent land is used, and whether, in their opinion, the convenience of public travel demands that said road be made wider and the distance of such increased width; and they shall also report how much of the adjacent land will be taken by the proposed change, to whom it belongs, and to what extent the change will injure or benefit the owners of said land. The court shall appoint a com-

petent surveyor as one of said viewers, and may require him to make out a map of the ground viewed. Upon the report of the reviewers like proceedings shall be had as are now had in applications for opening roads. If, upon the whole case, the court shall be of opinion that the road ought to be widened, it shall order the supervisor of roads to have the same done, in manner and form as prescribed by the court. In carrying out the provisions of this section it shall be lawful, when unavoidably necessary, to embrace portion of any yard, lot, park, or orchard in the increased width of any road; but not grave-yards, Grave-yards. without consent of corporation or parties having dead buried therein, and then upon proper provision for decent re-interment. In every case arising under this section the person whose land is taken shall, if he requires it, be compensated therefor; and if no agreement can be made by and between him and the court to the amount of such compensation, a writ of *ad quod damnum* shall be awarded the party aggrieved, and such proceedings had thereon as now allowed by law.

§ 11. That all delinquent and capitation tax-payers Capitation tax to be worked out. of Hancock county, between the ages of sixteen (16) and fifty (50) years, shall be required to work out their said taxes at such times and on such road as the supervisor may prescribe within reasonable distance of their respective places of residence, for which each delinquent shall have credit at the rate of one dollar for each full day's work performed by him. The Notice to supervisor shall notify such delinquents as road hands ands. are now required by general law to be notified, and for failing or refusing to comply with the order of the supervisor, when so notified, such delinquents are made liable to all the pains and penalties now imposed by general law on persons who fail or refuse to work on roads. The supervisor is authorized and empowered Delinquent tax. to collect the taxes due from such delinquents, if they desire to pay the same instead of working on the

roads, and he shall be liable on his bond for the money so collected, and the same may be recovered from him on motion on ten days' notice in quarterly court. The taxes so collected shall, by the supervisor, be reported to the county court and paid over to the tax collector, and held and applied by him as part of the road fund.

Removal of
supervisor.

§ 12. The levy court, at any regular or called term, a majority of the justices in commission concurring, may, on motion by the county attorney, remove the supervisor from office for neglect of duty, malfeasance or misfeasance; but he shall be first notified in writing of time and grounds of said motion for ten days.

Term of office of
supervisor.

§ 13. The supervisor shall hold his office for two years and until his successor shall be qualified, and shall receive the annual salary of seven hundred and fifty dollars, to be appropriated by levy court and payable out of the county levy.

Ditches.

§ 14. That the judge of the county court shall, on information in writing by the supervisor that a ditch is needed through the lands of any person, or that a ditch, branch or creek through any person's land needs cleaning out, straightening, widening or opening, in order to carry off the water from any part of the public roads, and the water can not be carried off otherwise, notify such person in writing to have the same done; and upon his failure, after reasonable time, being reported by the supervisor, the judge shall cause a summons to issue from the county court clerk's office against such person or persons, citing him or them to appear at the next regular term of his court, which shall meet in not less than five days thereafter, to show cause why the same shall not be done by the supervisor or contractor, and the cost thereof laid as a tax upon his or their property, as other county taxes; and upon failure of such person or persons to show cause, the court shall order said ditches to be made, or the ditches, creeks or branches cleaned out, widened and straightened, or under-drain

put in, giving specific directions therefor; and the cost thereof shall be laid and collected as a tax on the property of said party or parties, and the work shall be paid for out of the county levy. But in all such cases the party or parties on whose lands the said work is ordered to be done, shall be entitled to a writ of *ad quod damnum* and due compensation for his property taken and for damage sustained.

§ 15. It shall be unlawful for the county judge,^{Officers shall not have interest in contracts.} any justice of the peace, sheriff or tax collector, county attorney or supervisor or assistant supervisor, or any overseer, to become directly or indirectly interested in any contract for working roads or building or repairing bridges; and it shall be unlawful for either of said officers or employes to buy or become interested in any road or bridge, order or certificate, or any claim growing out of such work. Either of said officers or employes who shall violate^{Penalty.} this section shall be guilty of a misdemeanor, and upon indictment by a grand jury and conviction thereof before any court of competent jurisdiction, shall be fined for each offense not less than fifty nor more than three hundred dollars. This section shall be given in charge to the grand jury by the judge of the Hancock circuit court.

§ 16. It shall be the duty of the county attorney^{Duty of county attorney.} to prosecute all warrants under this act when notified by the court trying the same; and for all cases so prosecuted he shall receive for compensation a commission of twenty-five per cent. of the fines imposed in cases wherein he shall prosecute; and on his failure to attend and prosecute, the court trying the warrant may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

§ 17. It shall be the duty of the supervisor, when called on by the levy court, to furnish to said court such information in writing as may be required with regard to the roads and bridges and the work done thereon.

Willful injury to roads and bridges

§ 18. Any person who shall willfully obstruct, injure or destroy any of the said public roads or bridges, or any culvert or ditch on said roads, or shall willfully injure any of the tools or implements, or who shall without right take possession of, or use or appropriate the same, shall be fined for each offense not less than five nor more than fifty dollars, to be recovered in like manner as fines against contractors; and shall also be liable in a civil action for double damages to the county, or any person aggrieved or injured, to be recovered in any court in Hancock county having jurisdiction of the amount claimed. It shall be the duty of the supervisor and his assistants, and of all constables, town marshals and sheriffs, to report promptly to the county judge, or some justice of the peace, all violations of this act.

Jury trials.

§ 19. In all prosecutions under this act the parties shall be entitled to trial by jury. In all cases when the party is fined more than fifty dollars an appeal shall lie to the circuit court. Either Commonwealth or defendant may prosecute the appeal; appeals to be taken as now provided by law.

Annual ad valorem and capitation tax.

§ 20. The levy court, at its regular October term in each year, a majority of the justices concurring, shall assess and levy an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of property listed for taxation, and a capitation tax of not exceeding two dollars on each male over sixteen (16) and under fifty (50) years old for road purposes; and shall also assess and levy a capitation tax of not exceeding one dollar on all males over sixteen (16) and under fifty (50) years old, and an ad valorem tax of not exceeding ten cents on each one hundred dollars' worth of property listed for taxation for bridge purposes, to be known and designated respectively the "road fund" and the "bridge fund," and to be collected in the same manner, by the same officers, and under the same obligations, as other county revenue is collected.

§ 21. The tax collector of Hancock county shall pay out the road and bridge funds in discharge of the liabilities of the county for work on roads and bridges (including pay of contractors, hire of hands and teams, costs of implements and material, and provender for teams, pay of "overseers," and all necessary expenses in and about keeping the roads in good order and building and repairing bridges, etc.) But in no case shall he pay out any of said money except upon the order of the supervisor (specifying what for), with the indorsement thereon of the county judge of his approval. The collector shall have blank forms of such orders printed in duplicate and numbered, and he shall retain a duplicate of each order given by him and the number thereof, which he shall exhibit and return to the levy court, when required by order of said court.

§ 22. That the county court in all orders opening, changing or widening roads, may direct the supervisor to have the same done in whole or in part; or it may direct that the party applying for such road or change shall, in whole or in part, make the same and pay any part of the damages assessed in relation to said road; and in either case the court may direct that those persons living within one-half mile on either side of the proposed road or change, who, under the general road laws of the State, are required to work on roads, shall, on being notified as under the said general road laws, assist the person designated to open such road or make the proposed change; and any such person who, upon being so notified, shall fail or refuse, without good cause, to attend with proper implements and assist as herein required, shall be subject to the same penalties, imposed by the same proceedings, as delinquent road hands now are under the general road laws of the State.

§ 23. Article 1 of chapter 94 of the General Statutes, except so far as is in conflict with this act, is adopted as part hereof.

Grading hills. § 24. The supervisor, upon the order of the county judge entered upon the order book of his court, shall let out by written contract, to the lowest and best bidder, the grading or cutting down of any hill or hills upon the public roads, specifying in the contract the amount and character of such work, how to be done, and when completed, and setting forth the amount to be paid therefor, either in gross or by the yard, and requiring of the contractor bond with approved surety for the performance of the contract, such bond to be returned to the county court clerk and by him kept as other road contractor's bonds; and said bond may be enforced and proceeded upon as other road bonds. The supervisor shall receive such work, if done as required, and certify the fact and give an order for the money, which order is to be indorsed "approved" by the judge, and paid by the tax collector out of the road or other fund provided for the purpose. If ordered as aforesaid by the judge, the supervisor may hire hands or work convicts or delinquent tax-payers in grading hills; and the pay of hired hands shall be upon order as aforesaid.

Road precincts. § 25. The county judge of Hancock county shall divide all the roads in said county into precincts: *Provided, however,* That those streets in the towns of, and other incorporated towns except the city of Hawesville, which are worked by the county, shall be separate precincts, and the refusal or privilege of working the same shall be given to the authorities of said towns respectively, at prices to be fixed by the said judge.

Shade trees. § 26. The judge of the county court of Hancock county may, by an order duly entered of record, provide for procuring, planting, protecting and caring for shade trees on any of the public roads in Hancock county, and may pay for the same out of any unexpended moneys belonging to the road or bridge fund of the county; or may agree with tax-payers to do such work at a stipulated price, and allow such persons

credit on their road and bridge taxes. It shall be the duty of the supervisor, his assistant and overseers respectively, to look after such shade trees, and to report to the county judge all injuries to or destruction of the same, or of any box or other protection placed around or near the said trees, or of any violation of the regulations made by the court for the preservation of the same. And any person who shall intentionally or carelessly destroy or injure any of such trees, or the boxes or other protection to the same, shall, for each offense, be fined not less than two dollars and fifty cents nor more than twenty dollars, to be recovered on warrant issued by and returnable before and to be tried by the judge of the Hancock quarterly court..

Injuries to shade trees.

Penalty.

§ 27. The judge of the county court of Hancock county is authorized and empowered to have wells or cisterns made at such points on the public roads in said county as it may deem necessary for furnishing water to work-beasts employed in hauling or in travel over said roads, and other stock traveling on roads; and to have suitable pumps, buckets, pipes and troughs provided at such wells or cisterns for furnishing water to such beasts; and may provide means to utilize the water from any spring, pond or running stream for such purpose: *Provided, however,* The rights of the owners of such springs, ponds or running streams be protected and compensation, if required by the owner, be made as now provided by law in regard to condemning private property for public use. The county court shall have such watering places kept in good repair.

Public wells and cisterns.

§ 28. Any person injuring any such well, cistern, pump, trough, pipe, bucket or other means of watering stock, as provided for in the preceding section, shall be fined, for each offense, not less five nor more than fifty dollars, to be recovered by warrant before the quarterly court, and the offender may be imprisoned and required to labor on streets or roads unless the fine be replevied or paid.

Injuries to wells and cisterns.

§ 29. It shall be the duty of the supervisor and his assistants to report all offenses against the preceding provisions for shade trees and watering places.

Assistant supervisor. § 30. The supervisor may be authorized, by order of the Hancock county court, at any of its regular monthly terms, to appoint assistant supervisors to aid him in the discharge of his duties, and especially in supervising grading of hills and the working of roads by hired hands, convicts and delinquent tax-payers. The court shall, by order, fix the amount of compensation per day or by the month of such assistants. And the supervisor shall make a report to the levy court at its October term, each year, of the number of assistants employed by him, and the length of time each has worked, and shall give orders for their pay, to be approved and paid as other road orders.

Special bridge contracts. § 31. In cases of emergency the county judge may have any bridge (kept up by the county) repaired, or a new one built; but he shall make no contract for such work, or for any work on any bridge exceeding five hundred dollars, without first calling together the justices and laying the matter before them. And it shall be their duty, in such cases, to make immediate provisions for the emergency.

§ 32. That an election shall be held in said county of Hancock on the first Monday of —, A. D. 1888, thirty days' notice whereof shall be given by the county judge of said county, by publication in some newspaper published in said county, or by handbills posted in at least ten public places therein. The officers of the last election held in said county shall be the officers of the election held under this act; and vacancies which may have occurred therein shall be filled by the county judge by proper appointment. A poll-book shall be prepared and opened for each precinct of said county on the day of said election, with two columns, one headed "For the road law," and the other headed "Against the road law;" and the officers of the said law shall propound to each

voter thereat the question: "Are you for or against the road law?" those answering for the law shall be so recorded, those who answer "Against the law" shall be so recorded. The officers holding said election shall state in their certificate the number of votes cast for the law, and the number of votes cast against it. If it shall appear from said certificate, and from the comparison and count of the votes cast at said election, that the majority of the votes cast at said election are in favor of the road law, this act, from and after the date that said certificate of the officers of said election shall be filed, entered of record in the office of the county court of Hancock county, shall be held to be in full force and effect, and the county court shall proceed to carry the same into effect by the first day of December, 1888; but if it appear from said certificate that a majority of the votes cast at said election were against the road law, then this act shall be void and of no effect, and no action or proceeding shall be had thereunder.

§ 33. All acts and parts of acts in relation to roads in Hancock county, and all general laws in conflict with the provisions of this act, are hereby repealed.

§ 34. This act to take effect from and after the first day of September, 1886. But all contracts on roads and for work on bridges made prior thereto shall remain in force.

Approved May 8, 1888.

CHAPTER 1466.

AN ACT for the benefit of Mary R. Layman, of Grayson county.

WHEREAS, A. J. Layman was deputy sheriff of Grayson county, Kentucky, for the years 1875, 1876 and 1877, under G. H. Gardner, sheriff, and as such was responsible to said Gardner for the amount of the taxes, or county and State revenue, in his ride or district for said years; and whereas, said Layman has

died, and his estate has been adjudged to pay said Gardner the full amount of said taxes, both collected and uncollected, and his estate is almost insolvent, and there yet remain many of said taxes on his books uncollected ; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Mary R. Layman, wife and administratrix of said A. J. Layman, deceased, be, and she is hereby, authorized to collect said back taxes that remain unpaid for said years 1875, 1876 and 1877: *Provided*, That any person against whom there appears on said tax book unpaid tax, and who claims that the same is paid, and in the absence of a receipt for same, said person shall be discharged from its payment by taking an oath that he or she has paid the amount of said tax.

§ 2. She shall have the right, by and with the approval of the county court, to appoint her own deputies to make said collections, and may revoke the appointment at her pleasure. Before any such deputy shall proceed to collect said tax, he shall give bond to the Commonwealth of Kentucky for the faithful performance of his duty, and that he will pay over all moneys coming to his hands by virtue of said office to the proper parties.

§ 3. Said collector or collectors shall have all the rights and powers of distraint in collecting said taxes that sheriffs of the State now have or may hereafter have in collecting the State revenue, and be entitled to the same commissions and fees, and be under the same responsibilities, liabilities and penalties as are now or may hereafter be for the collection of the State revenue.

§ 4. All acts or parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage, and shall remain in force for two years.

Approved May 8, 1888.

CHAPTER 1467.

AN ACT to amend an act, entitled "An act to amend, revise and reduce into one the several acts in relation to the town of Taylorsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend, revise and reduce into one the several acts in relation to the town of Taylorsville, approved May 9th, 1884, be so amended as that the election to be held on the first Saturday in May, 1884, as provided in section sixty-six of said act, may, and is hereby authorized to, be held on the first Saturday in July, 1888, and all of the provisions of the act to which this is an amendment are re-enacted, and shall take effect when ratified by a majority vote, as provided in said act, the said election to be held upon the day herein provided.

§ 2. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1468.

AN ACT to incorporate the Three-State Mill Company, at Wickliffe, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Dupoyster, Jonas Kipp, J. O. Harkless, J. L. Hughes and J. H. Brown, and their associates and successors, are hereby created a body-politic, under the name and style of the "Three-State Mill Company;" and in that name may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth and elsewhere, and have perpetual succession, a common seal, and alter the same at pleasure; and may purchase, hold, and sell so much real estate in the town of Wickliffe, or adjacent there-
Incorporators.

to, as may be necessary or convenient in the transaction of their business.

§ 2. The capital stock of said corporation can not exceed twenty-five thousand dollars; but said company may begin business whenever there is as much as three thousand dollars of stock subscribed and paid for.

Capital stock.

§ 3. The said corporation is hereby empowered and authorized to buy, erect and maintain a grist and saw-mill, or either, at or within one-half mile of the town of Wickliffe; and may buy, sell and deal in grain of all kinds, and any and all other provender for stock; and in addition thereto, may deal in salt, lime and cement; but said corporation is not permitted to deal in any other merchandise or business other than the above.

Books of subscription.

§ 4. The capital stock of said corporation shall be divided into shares of one hundred dollars each; and a majority of the incorporators herein named may open books for subscription to stock in said company, and prescribe the terms and conditions upon which said stock shall be subscribed.

§ 5. When as much as three thousand dollars of stock has been subscribed, it shall be the duty of the incorporators, by publication in any paper published in Ballard county, to call a meeting of the stockholders at Wickliffe for the purpose of electing a board of directors; and at such election, each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote in person or by written proxy.

Election.

§ 6. At the election above provided for, and annually thereafter, the stockholders shall elect five of their own number as a board of directors, who shall hold their office for one year, and until their successors are elected. The said directors shall select a president and such other officers and agents as may be necessary to conduct the business of the corporation, and fix their compensation. All officers and agents shall be subject to removal at the pleasure of

the board, the president excepted, who shall hold his office for one year, and until his successor is elected.

§ 7. After the election of said board, a majority of ^{Quorum.} whom shall constitute a quorum to transact business, the affairs of said company shall be solely and exclusively under their management, and to this end they shall enact such by-laws as they may deem necessary for the government of their officers and agents and the management of their business: *Provided*, That such by laws do not conflict with the Constitution or laws of this State or the United States. ^{By laws.}

§ 8. The board of directors shall cause a complete ^{Books.} set of books to be kept, wherein shall be recorded, in a proper manner, the business transactions of said company, and which shall, at all times, be open to an inspection of any stockholder of said company.

§ 9. The stock of said company shall be deemed to be personal property, and transferable; but the company shall, at all times, have a lien upon said stock to secure it in the payment of any balance that may be due thereon.

§ 10. The individual property of the members of ^{Private property} said corporation shall not be liable for the debts of the corporation, except to the extent of any balance such member may owe upon his stock.

§ 11. This act shall take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1469.

AN ACT to establish and incorporate the Hardin Normal School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning is hereby established in Hardin county, Kentucky, by the name and

style of the "Hardin Normal School," which shall be under the control of J. R. Highbaugh, E. F. Dyer, J. B. Allen, Josiah Phillips, and J. H. Owsley, and their successors, as trustees of said institution. If at any time a vacancy shall occur by death, removal or resignation, the other trustees shall name a suitable person to fill the vacancy. They shall have the power to name one of their number president of their board, and such other officers as they may deem proper. They shall have power to employ such professors of learning as they may desire to teach said normal school. They may hold annual commencements and public examinations of their pupils.

§ 2. *Be it further enacted*, That said normal school shall receive white students of both sexes, and any degree of advancement.

§ 3. *Be it further enacted*, That the Hardin Normal School shall, for the present, be located at Sonora, Hardin county, Kentucky; but the president, by the consent of the board of trustees, can remove it to any other point in Hardin county without interfering with this charter.

§ 4. *Be it further enacted*, That this act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1470.

AN ACT for the benefit of James R. Clutterbuck, sheriff of Boone county.

WHEREAS, James R. Clutterbuck, sheriff of Boone county, was charged with, and held to pay in the year 1884, and did pay, to the Auditor of Public Accounts, the sum of seventy-seven dollars and seventeen cents, being the amount of tax assessed against the property of one Mayer Goldsmith, who was then, and is now, a non-resident of this State; and whereas,

said Goldsmith removed the said property on which said tax was assessed out of the State after said assessment was made, and before said tax became due, whereby the said Clutterbuck, as sheriff, improperly was held liable for the same, and paid said tax in full to the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of (\$77.17) seventy-seven dollars and seventeen cents in favor of the said James R. Clutterbuck, to be paid out of any money not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1472.

AN ACT to incorporate Blue Spring Seminary, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning be, and the same is hereby, incorporated and established at or near Mt. Pleasant Baptist Church, in Trigg county, Kentucky, to be known by the name of the Blue Spring Seminary. Articles of incorporation.

§ 2. That Major Noel, Cromwell Wallis, and Andrew Harris, and their successors in office, are hereby constituted a body-politic and corporate, to be known as the board of trustees of the Blue Spring Seminary and common school district No. 10. Board of incorporators and trustees.

. Said seminary shall be under the control and management of the trustees of common school district No. 10. How controlled and managed.

§ 4. This act shall take effect immediately after its passage.

Approved May 3, 1888.

CHAPTER 1473.

AN ACT to amend and reduce into one the present charter of Morganfield, and the several amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary.

§ 1. That the town of Morganfield, in Union county, is hereby re-incorporated, with the following boundaries, to wit: Beginning at a stake on the north-west side of the Henderson road, east corner to P. G. Kelsey's addition to said town; running thence with the north line thereof, north fifty-seven degrees, west fifty-nine poles, continuing same course across a corner of M. R. Waller's land, also on Crom. Adair two hundred and fourteen poles in all, to a stake in Adair's field; thence across his farm south thirty-three degrees, west ninety-one and six-tenths poles to his and Dr. J. W. Muir's corner, continuing same course on the line of Muir, Johnson, and Adair one hundred and sixty-two poles to a stake in the middle of the Shawneetown road, continuing thence same course with the Chapman road one hundred and sixty poles to a stake in said road in L. B. Young's line; thence across Young's land south fifty-seven degrees, east two hundred and eight poles to a stake in the Caseyville road, continuing same course one hundred and forty-eight poles on T. S. Waller's land, to a stake in his field; thence north thirty-three degrees, east three hundred and thirty-three poles, crossing the Sulphur Spring road at one hundred and forty-one poles to a stake on the south side of the Beaver Dam road; thence with said road north fifty-five degrees, west one hundred and twenty-eight poles to a stake at the intersection of the Beaver Dam and Henderson roads; thence with the Henderson road north twenty-eight degrees, east seventy-six poles, to the beginning.

§ 2. That the fiscal, prudential, and municipal affairs of said town shall be managed and controlled by five councilmen, to be chosen every two years, on the first Monday in August, by the qualified voters of said town, who shall have resided therein for six months, or who, being citizens of Kentucky, shall be residents of Union county, and the owners of real estate lying within the limits of said town: *Provided, however,* That no person shall be allowed to vote at any election who has not paid his head or poll-taxes against him, or who is indebted to said town for fines imposed for an infraction of the by-laws of said town. The councilmen shall hold their office for two years from and after their election, and until their successors are elected and qualified. They shall, before they proceed to act, take an oath before some justice of the peace of said county, or before any other person authorized to administer an oath, that they will faithfully and impartially discharge the duties of the office of councilmen: *Provided,* No person shall be a councilman who does not reside in said town, or has not resided therein one year, or who is a vendor of spirituous liquors by license from said corporation, or is the owner or keeper of a billiard-saloon or bowling saloon, or is not twenty-five years old: *Provided further,* No person shall hold the office of councilman for said town who is not a holder in his own right of real estate in said town. Any councilman becoming disqualified as aforesaid shall forthwith vacate his office. That in case a vacancy shall occur in the board of councilmen of said town by death or otherwise, said board shall have the power to fill such vacancy, or they may order an election to fill said vacancy, first giving ten days' notice.

§ 3. The councilmen of said town, and their successors, shall be a body-politic and corporate, and shall be known and styled the Board of Councilmen of Morganfield; and by that name may sue and be sued in any of the courts of this Commonwealth;

may contract and be contracted with : they may have and use a common seal, and alter the same at pleasure.

Meetings of
council.]

§ 4. The board of councilmen may fix, by their by-laws, the times of their regular meetings, provided they meet at least once a month, and the mode of calling special meetings. Four councilmen shall constitute a quorum to do business, but a less number may, by order entered of record, compel the attendance of a quorum at any regular meeting by arrest. They shall elect one of their number president, and in his absence may elect a president for the occasion. The officer presiding shall sign the minutes of the preceding meeting when approved by the board, and shall put questions and preserve order, and give the casting vote on any question in case of a tie. The councilmen shall have power to provide by-laws for punishing any one guilty of disorderly conduct in their presence while sitting ; and shall have power to pass all by-laws and ordinances, not inconsistent with the Constitution and laws of the United States or of this State, as they shall deem right and proper for the good government of said town. They may take and hold real estate or personal property by purchase, devise, bequest or donation, for the use and benefit of said town, and may lease or sell and convey the same ; and they may lease or sell any such property now owned by them, and convey the same : *Provided, however,* That they shall not lease or sell real estate except by a vote of four councilmen, whose names shall be entered on the record.

Streets, alleys
and public
grounds.

§ 5. That the title of the streets, alleys and public grounds in said town shall be vested in the board of councilmen ; and they may maintain any appropriate action to prevent any damages, obstruction or injuries to said streets, alleys or public grounds, shade trees, ornamental trees, or to compel the removal of obstructions already in said streets, alleys or public grounds, as to recover damages for any injury here-

after done to all of said streets, alleys or public grounds, shade trees, etc.

§ 6. The board of councilmen shall have power to Powers of board. build cisterns and dig wells ; to regulate the storage of gunpowder or other combustible or explosive material or materials of an unhealthy character, which may endanger the safety of said town or the health or comfort of any of its inhabitants ; they may require chimneys, flues or stove-pipes, which may endanger the safety of property, to be repaired or changed, so as to render them safe ; and may provide, by penalties, for compelling obedience to their orders ; they may require the owners or occupiers of property fronting on streets or alleys to keep the streets or alleys fronting them clean ; and in case of failure or refusal, after five days' notice, in writing, to such owner or occupier, they may cause the same to be done, and recover the cost of so doing of the owner or occupier of the property. They may erect a market-house and appoint a market-master, and remove him at pleasure ; and by their by-laws regulate and govern the market in said town by preventing the sale of unwholesome meats, fruits or vegetables ; and may license butchers, hucksters and others dealing in general marketing in said town ; and may enforce a tax for license, and enforce their ordinances on this subject by fines imposed by by-laws : *Provided, however,* That no license shall be required of those marketing the products of their own farms, dairies, orchards or gardens ; they may prevent the exhibition of stud-horses or jacks on the streets or alleys of said town, or the exhibition of immoral or obscene shows or pictures in said town ; they may organize fire companies and appoint the necessary officers, and provide engines, buckets and other things necessary to the fire department ; they may use the county jail or establish a watch-house, work-house, and appoint watchmen. And any person committed to prison by the police court of said town, and convicted of a breach of

the peace, riot, affray or unlawful assembly, or any offense against the ordinances or by-laws of said town, may, in the discretion of said police court, be confined in the work-house at hard labor during the period of his confinement. They may purchase ground in or near said town, and erect a pest-house thereon, and provide by by-laws for placing and confining therein any person afflicted with a malignant contagious disease; and shall provide for the comfort and well-being of any person placed therein.

New streets.

§ 7. The said board of councilmen shall have power to open new streets or alleys in said town whenever they may deem it necessary or proper to do so; and may extend any of the present streets or alleys to the town limits, and may straighten or render any of said streets or alleys.

Condemnation.

§ 8. Whenever said board of councilmen shall deem it necessary or proper to open a new street or alley, or to straighten or widen any of the old ones, and shall be unable, from any cause, to acquire, by agreement with the owner, the land required for such new street or alley, or for widening or straightening old ones, they may file their petition in the Union county court against the owner or owners of the land required, setting forth the quantity and boundary and location of the land required, on which petition summons shall issue, and be served on the owner or owners if residing in the county, and if not, then on a known agent of such owner; but if there be no known agent, then the summons shall be served on such owner if a resident of this State; but if a non-resident of this State, such owner shall be warned to appear and proceeded against as provided in the Civil Codes of Practice. When any one or more of said owners shall be properly before the court, the court shall direct a writ of *ad quod damnum* to issue as to such owner or owners, which writ shall be executed by the sheriff as in other cases. Whenever the value of the ground required for any such new street

or alley, or alteration of an old one, shall have been ascertained, the court shall enter judgment condemning such land and allowing the new street or alley to be opened or the old one altered: *Provided, however,* That no such order shall be made until the board of councilmen of said town have paid into the court the damages assessed and cost of the proceeding: *Provided, however,* That nothing in this act shall be construed to compel the said board of councilmen to pay the damages assessed unless after such damages are finally ascertained they shall elect to do so, and to open or alter the street or alley; but if they shall deem the damages assessed more than it would be expedient to pay, they may abandon the proceedings, being responsible only for cost; but upon their doing so the court shall enter an order annulling the order condemning the ground: *Provided, however,* That either party may appeal from the judgment of the county court to the circuit court from the final judgment condemning the land or assessing the amount of damages to be paid; but no such appeal shall be taken after one year from the final judgment appealed from except by persons under disabilities.

§ 9. The board of councilmen of said town shall have power to cause any of the streets or alleys in said town to be paved, graveled or otherwise improved or repaired, and sidewalks to be made and paved with brick, or repaired or curbed with a valley, and all complete, at the discretion of said board of councilmen; all to be done at the cost of the owners of property fronting on such street or alley; and shall ascertain and apportion the cost of such repairs or improvements among the several property-holders liable for a part thereof according to the numbers of feet front owned by each, and may collect the same in the same manner that the taxes of said town are collected: *Provided,* That the necessary grading shall be done at the expense of the town, and that the cost

Improvement of
streets.

of paving shall not exceed twenty-five per cent. of the value of the property, to be estimated, in case no agreement can be had, by the disinterested commissioners appointed by the board of councilmen, whose report shall be conclusive: *Provided further*, That before any street, alley or sidewalk shall be paved, curbed, guttered or repaired at the cost of owners of property fronting thereon, such owners, their agents or tenants, shall be notified of the kind and amount of improvement or repairs required to be done; and such owner, his agent or tenant, may, within three days after service of such notice, notify said board of councilmen, in writing, that he will repair or improve said street or alley or sidewalk as required within the time specified in the notice served on him, in which case he shall be allowed to do so; but if he shall fail to make the required improvement or repairs within the time and manner required, the board of councilmen may cause it to be done, and assess the cost thereof.

Liens on property for making new streets.

§ 10. That for the cost of any improvements or repairs made by the board of councilmen on the sidewalk, streets or alleys of said town, and for the cost of which the owners of the property fronting thereon are liable, the board of councilmen of said town shall have a lien on such property, which lien shall date from the commencement of the work in front of such property.

Sale of liquors.

§ 11. The board of councilmen shall have control of the sale of spirituous liquors in said town, and shall have power to license billiard tables, ten-pin alleys and coffee-houses; and may, by special ordinances, require all vendors of ardent spirits in said town to close their bar-rooms, and keep them closed, and not to sell any such liquors on the Sabbath day, election days, or on such other public days and occasions as may be proper; and they may require all bar-rooms and billiard-saloons to be closed after a specified hour at night, not earlier than 11 o'clock P. M.

§ 12. The board of councilmen shall have power to tax vendors of spirituous liquors, coffee-house keepers, auctioneers, peddlers, gift enterprises, studs, jacks or bulls kept in said town, and drays or hacks plying in said town for hire, except such as are owned by licensed livery stable keepers; also shows or exhibitions exhibiting in said town, after the regular assessment is made for the year, such proportions as the residue of the year bears to the whole year; and this shall apply both to property or to business, subject to a special tax: *Provided*, That nothing herein shall be construed to dispense with the payment of the State any taxes required by the laws of the State, or with other requirements of the State laws.

§ 13. That if any vendor of ardent spirits, licensed by said board of councilmen, or any owner or keeper of any billiard-table, shall permit disorderly or scandalous behavior in his house or on his premises, or shall permit a minor to drink spirituous, vinous or malt liquors, or any mixtures thereof, on his premises, or who shall sell, or procure to be sold, any spirituous, vinous or malt liquors, or mixture thereof, on the Sabbath day, and securing any one inside of his bar on said day, or a light therein after night-fall, shall be *prima facie* evidence of guilt; or shall permit unlawful gaming, or shall fail to close his bar-room or billiard-saloon in obedience to ordinance or by-laws, which may be passed under the provisions of this act; or if any vendor of spirituous liquors shall permit any one to drink to intoxication in his house, they, or any of them, shall, on conviction before the police court of said town, be fined for the first offense not less than five dollars nor more than fifty dollars, in the discretion of the court, and the license of such persons shall be suspended until the fine and costs are paid; and on the second conviction, the fine shall not be less than twenty dollars nor more than one hundred dollars, in the discretion of the court, and the license of the offender shall be declared forfeited, and

Tax for sale of
liquors.

Penalty for vio-
lation of liquor
license.

he shall not be again licensed to carry on the same business in said town for one year ; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Union county, or in the work-house of said town, one day for each two dollars of the fine and cost, or until the fine and cost are paid. It shall be the duty of the board of councilmen to pass ordinances in conformity with this section, which the marshal shall rigidly enforce ; and upon his willful failure to do so, he shall forfeit his office and be fined not less than five dollars nor more than one hundred dollars, to be recovered in the police court of the town.

Tippling, bawdy
and gambling
houses.

§ 14. The said board of councilmen shall have power, by suitable ordinances or by-laws, with penalties annexed adequate for the purpose, not, however, to exceed one hundred dollars fine or both, to suppress tippling-houses, bawdy-houses, gambling-houses ; and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, schools, public speaking or lectures, or lawful public meetings, injury to the streets, alleys, public grounds, shade trees, cisterns, wells, pumps, churches, school-houses or other public buildings or property belonging to said town ; and to pass all by-laws or ordinances as shall be necessary or proper to carry out any and all powers given by this charter, with suitable penalties annexed to said ordinances or by-laws, or for the suppression and punishment of all such disorders and irregularities as shall be prejudicial to the good order and quiet of said town. The by-laws and ordinances now in force in said town shall remain in force until changed by the board of councilmen of said town. It shall be the duty of the board of councilmen to have printed, in any paper having the largest bona fide circulation in the town, the ordinances of the town in at least three issues thereof, provided said

paper will publish them at its regular advertising rates.

§ 15. That the board of councilmen of said town Annual tax. may levy and collect annually a tax, not exceeding seventy-five cents on each one hundred dollars' worth of property in said town, both real and personal, including money, choses in action and other evidences of indebtedness, subject to taxation under the present revenue laws: *Provided, however,* That no lands used exclusively for farming purposes shall be subject to taxation for municipal purposes, except dwellings, out-houses and curtilage, and farming lands that have been laid off into town lots, and the same shall be assessed to the person owning it on the first day of September in each year; and the said board of councilmen shall appoint annually an assessor, whose duty it shall be to make out a book containing a list of all property in said town taxable, with a fair valuation on it, and return the said book to the said council by the first Thursday in May of each year, for which service the councilmen shall make said assessor a reasonable allowance; they may also levy annually a poll-tax, of not more than two dollars in any one year, on all the male inhabitants of said town over twenty-one years of age; and may levy a special tax on dogs not exceeding three dollars each in one year.

§ 16. The board of councilmen in said town may Bonds. issue and sell the bonds of the town, bearing interest of not more than six per cent., payable semi-annually, with coupons attached, whenever they shall deem it necessary and expedient for the improvement of said town. The bonds shall be payable at a period not more than twenty years from their date, to be signed by the president of the board of councilmen, and countersigned by the town clerk, with the seal of the town affixed, and the coupons shall be signed by the clerk alone: *Provided,* That the amount of bonds outstanding shall at no time exceed the sum of fifteen thousand dollars.

Annual report. § 17. The board of councilmen shall publish in a paper published in the town, annually, an account of all the money received, and all the payments made out of the treasury during the year, and the amount of the debt of the town, which statement shall be verified by the president of the board.

Treasurer and clerk. § 18. Each board of councilmen-elect shall, at their first meeting, appoint from among their number, if they choose, a town treasurer and clerk, and take bond from the treasurer, with approved security, conditioned for the faithful disbursement of all moneys received by him as ordered by the board of councilmen, and that he will settle his accounts and pay over to his successor any balance in his hands at the expiration of his term; and the board of councilmen may at any time require him to renew his bond, and on his failure to do so in five days, may remove him. The clerk's duty shall be to record the proceedings of the said board of councilmen, issue all license, orders, notices, or do other writings required to be done by said board of councilmen, and keep securely all papers, books, etc., belonging to said board of councilmen.

Fees of treasurer and clerk. § 19. Said board of council shall regulate by by-laws the fees of the treasurer and clerk of said town.

Public moneys, to whom paid. § 20. The marshal or other officer collecting fines, taxes or money due for licenses, or money received in the name of the board of councilmen, or for their use, shall pay the same over to the treasurer, and take his receipt for the same. Any marshal failing, or who has failed, to make a full and final settlement of all money received and collected by him, shall thereafter be ineligible to hold said office. The treasurer shall pay out no money except on the order of the board of councilmen.

Police judge. § 21. There shall be elected by the voters of said town qualified to vote for council a police judge for said town, who shall have the same qualifications as required of county judges, and who shall hold

his office for four years from the day of his election, or until his successor is duly elected and qualified; the first election of said police judge to take place at the same time and place that the election for the councilmen is held. Said police judge shall have jurisdiction in the county concurrent with a justice of the peace in all cases, civil, criminal or penal, and shall have exclusive jurisdiction in all cases arising under the by-laws and ordinances of said town. He shall keep a just and true record of all proceedings before him, and shall be allowed the same fees as justices of the peace on all sums under fifty dollars. Said police court shall be a court of record, and may be held monthly on the first Saturday in each month. The fees of the police judge shall be the same allowed by law to the presiding judge of the Union quarterly court for similar services.

§ 22. Either party may appeal from a judgment of Appeals. said police court to the Union quarterly court or circuit court, in any case when, by the provisions of the Civil or Criminal Codes of Practice, such party would have a right to appeal from a judgment of a justice of the peace; and appeals shall be taken in the same manner, within the same time, and on the same conditions, as prescribed by said Codes.

§ 23. In all cases where such judge is absent, or if Magistrates. present can not properly preside, then the magistrate most convenient shall preside, and he shall be entitled to the fees in the cases he so tries.

§ 24. All fines imposed by the police judge of said Fines. town for violations of the town laws of said town, shall be paid over by the officer collecting the same to the treasurer of said town. All warrants issued by the police judge or a justice of the peace for all violations of the town ordinances committed in said town, which are cognizable in the police court, shall be in the name of the Commonwealth of Kentucky, for the benefit of the board of councilmen of Morganfield, and shall be executed by the marshal or any peace officer

of the county to whom they are delivered, and returned to the police court for trial.

Vacancies.

§ 25. In case a vacancy shall occur in the office of police judge or marshal of said town, the board of councilmen shall appoint a person to fill such vacancy until the next regular election, or until his successor is elected and qualified; and in case of the appointment of a police judge, the fact shall be certified to the Governor, who shall commission the person so appointed, who shall hold his office until a successor is elected and qualified.

Marshal.

§ 26. A marshal of said town shall be elected by the voters of said town qualified to vote for councilmen, and shall hold his office for two years, or until his successor is elected and qualified; said election to take place the same time that councilmen and police judges are elected; and he may, with the consent of the board of councilmen, appoint one or more deputies, who shall have the same qualifications as prescribed for the marshal, and may be removed at the pleasure of the marshal.

Duties of marshal.

§ 27. The marshal and his sureties shall be liable on the marshal's bond for the acts of such deputies. The marshal shall execute bond in the Union county court as constables, by law, are required to do, with securities to be approved by said court, conditioned for the faithful performance of his duties, and that he will in due time collect and pay over to the proper person all taxes, fines, assessments, forfeitures or other dues of said town, or other parties, placed in his hands for collection; and that he will in good faith, to the best of his skill and judgment, execute all such duties as may be required of him by the board of councilmen, or are imposed by this act. The marshal shall execute all process to him directed from the police judge or other officers for the breaches of the by laws or ordinances of said town, or for offenses committed in said town for the violation of any of the penal laws of this State; and may execute

process issued by any officer in the Commonwealth for the infractions of the penal laws of this State, any process from the circuit or quarterly court of Union county, and in civil cases he shall have the same powers, and perform the same duties, that constables are required to or may do so in Union county.

§ 28. The marshal of Morganfield shall have the Sales for taxes. power to sell both real and personal property for taxes due the town; and the manner for selling property prescribed by law for the collection of revenue due the State and county shall govern him in selling said property. And property sold for taxes may be redeemed by the owner thereof, in the same manner prescribed by the General Statutes of Kentucky; the marshal shall convey the property sold, and be entitled to the same fees fixed by law for sheriffs.

§ 29. The marshal of said town shall be a conser- Arrests. vator of the peace, and it shall be his duty to arrest all persons who may be at any time guilty of a violation of any of the provisions of the by-laws or ordinances of said town, or any of the penal or criminal laws of this State respecting the good order, peace and tranquillity of said town or any of its inhabitants; and when necessary, he may call to his aid any or all of the male inhabitants of said town or county to enable him to make arrests or quell disturbances; and any such inhabitants who shall, on being summoned by the marshal to aid him in the execution of his office, refuse to obey him, and render assistance, shall be fined not less than five nor more than fifty dollars, recoverable in the police court.

§ 30. The board of councilmen may employ an at- Attorney. torney to prosecute offenders brought before the police court for offenses committed within the town, and for other purposes connected with the interest of said town.

§ 31. The board of councilmen of said town shall Cemetery. have full control and management of the town ceme-

tery, and may appoint a sexton to take charge of it; and may provide by by-laws for protecting it from desecration, trespass or injury, and may ornament and improve it in such manner as to them may seem proper.

Elections.

§ 32. All elections held under this charter shall be held at some public place in said town, to be designated from time to time by the council of said town, to be conducted by a clerk and two judges, to be appointed by the said board of councilmen. The officer holding the election shall be responsible in every way, and take the same oath as officers of other elections are by the laws of the State required to do. The poll-books of such elections shall be returned to the board of councilmen, who shall file the same with the records of the said town. The board of councilmen shall grant certificate and duplicate thereof to all persons elected by the qualified voters of said town.

Correction of assessments.

§ 33. When the assessor returns the tax books to the council of said town, any person or persons feeling themselves aggrieved by the assessment of his or her property, assessed for taxation in said town, shall have until the first day of May following the assessment to apply to the council of said town for a correction of said assessment. When such application is made, it shall be the duty of the board of councilmen to hear evidence in the case, and make such orders therein as they may deem just and proper, either to raise or lessen said assessment.

Expenditure.

§ 34. The council of said town shall dispose of all money collected and paid into the treasury of said town from taxes on property, licenses, fines and forfeitures for the improvement of streets and alleys in said town, and for any purpose the interest of the town may require.

Present officers.

§ 35. Nothing herein shall be construed as to affect the present status of the officers of said town until an election is held in accordance with the foregoing provisions, which election shall take place on the first

Monday in August, 1888, and every two years thereafter.

§ 36. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 37. This act to take effect from its passage.

Approved May 3, 1888.

CHAPTER 1474.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6, 1868, so as to authorize the board of trustees of said town to remodel, improve, rebuild and furnish the public school buildings of said town, and to borrow money and issue bonds therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Versailles be, and they are hereby, granted and vested with power and authority, for and in the name of said town, to remodel, improve, rebuild and furnish the public school buildings of said town, and erect on the grounds thereof a dwelling-house, at such time and in such manner as they may deem expedient.

§ 2. That to enable them to carry out the above purposes the said board of trustees may issue and sell, in pursuance of orders by them made in regular meeting assembled, the bonds of said town to an amount not exceeding seven thousand and five hundred dollars (\$7,500), which bonds shall bear interest not exceeding the rate of six per cent. per annum, payable annually or semi-annually, as they may order, with coupons for interest attached, and shall be issued for such amounts, and the principal and interest payable at such bank, and mature at such times, as may be determined by said board of trustees; and shall be signed for and in the name of the town of Versailles by the chairman of the board of trustees.

§ 3. That in case of the issue and sale of such bonds, or any part of them, the said board of trustees may, for the purpose of paying the interest and principal of said bonds as the same become due, levy, in addition to the tax they are now authorized to levy, an ad valorem tax upon the property in said town, not exceeding twenty-five cents per annum on each one hundred dollars' worth of taxable property therein, for so long a time as such taxes may be required, to pay and liquidate the said bonds and interest; and said tax shall be collected in the same manner that other tax is directed to be collected in said town.

§ 4. That nothing contained in this act shall restrict or prohibit the said board of trustees from appropriating and applying other revenues of said town to the payment of said bonds and interest.

§ 5. This act shall take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1475.

AN ACT to create a turnpike road district in the Verona magisterial district of Boone county, and to provide funds for the purpose of building turnpike roads in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creating and
boundary.

§ 1. That there is hereby created in the Verona magisterial district of Boone county a turnpike road district, whose boundaries shall be co-existent with the boundaries of said magisterial district, subject only to such exceptions and limitations as may be hereinafter provided. The object and purpose of creating such district shall be to enable the residents and property-owners of the said Verona district to authorize the levy and collection of a tax for turnpike road purposes in said district, and to apply the money so collected to the construction of such roads.

§ 2. There shall be elected by the duly qualified Commissioners. voters of the Verona district a board of turnpike commissioners, at the first regular election held in said district after the adoption by the people of said district of this act, as is herein provided. The qualifications of said board shall be, that they are each residents of said district, householders and property-owners therein, and not less than twenty-five years of age. Each member of said board shall, before entering on the discharge of his duties, execute a bond in the sum of one thousand dollars, to be approved by county court, for the faithful performance of his duties under this act. The board of commissioners, when elected and qualified, as provided herein, shall be deemed, and are hereby created, a body-politic and corporate, with the right of succession; and shall have power to contract and be contracted with, to sue and be sued, and generally to do and perform all such acts and have all such powers as are needful to enable them to carry out the purposes for which they are created. The board shall have power to select from among their number a president, secretary and treasurer, who shall, in common with said board, hold office for two years, unless sooner removed by a two-thirds majority thereof.

§ 3. The board elected shall by lot determine who Term of office. of their number shall serve for two, and who for four years, and one-half of the board so selected shall serve two years, and the other half so selected shall serve for four years; and an election shall be held every two years thereafter, on the same day on which the first regular election was held under this act, to fill the places of the members of said board whose term of office have expired, or the places of those who may have from any cause become vacant.

§ 4. A tax of five cents on each one hundred dollars Tax. of property, real or personal, is hereby levied on all the property of said district, and a poll-tax of one dollar imposed on each voter therein, to be collected

by the sheriff of Boone county, in each year after the passage of this act, at the same time and in the same manner that other taxes are now collected by said sheriff, who shall receive the same compensation now received by him for the collection of other taxes, and shall be responsible for the same upon the same bond executed by him for county purposes. It shall be the duty of the said sheriff to pay over said tax, when collected, to the said board of turnpike commissioners. For the purpose of this act, and to save the expense of another assessment, the tax here levied shall be levied and collected on the property of said district, as shown by the assessor's books for said county in such years; and in view of the uncertainty of district lines, and to avoid the splitting up of tax receipts, every property-owner of said district, whether resident or non-resident, shall be held to pay this tax on all such real estate as shall lie partly in this district and partly in another district, in case of the resident owner, if the residence of said owner shall be in the Verona district; or, in case of a non-resident owner, if the larger part of said real estate shall lie in the said turnpike or magisterial district.

President of
board.

§ 5. The president of said board shall preside over all the meetings of said board, and the secretary shall keep a full and complete and written record of all the proceedings of said board. The treasurer shall take and hold all moneys belonging to said turnpike road district, and shall pay them out under the order of said board, which must always be in writing. He shall execute to said board a good and sufficient bond for the faithful performance of his duties.

Duty of county
judge.

§ 6. It shall be the duty of the county judge of Boone county to notify the voters of said district that an election will be held in said district, as provided in the succeeding section, and to appoint the officers to hold the same, and, with the county clerk and sheriff, count the vote and declare the result thereof, and in general to perform such duties under this act as are

required of them in cases that pertain to elections in magisterial districts in said county under existing laws.

§ 7. There shall be an election ordered and held ^{Election.} under this act on Saturday, the 26th day of May, 1888, in said Verona district, and each voter shall be asked if he is in favor of the tax of five cents on property, and the poll-tax of one dollar on each voter in said district; and if a majority thereof answer affirmatively, then that fact shall be certified by the aforesaid county officers, and placed on record in the county clerk's office, and this law shall, from and after that date, be in full force and effect.

Approved May 8, 1888.

CHAPTER 1476.

AN ACT to amend an act, entitled "An act to prevent stock from running at large in the first magisterial district, outside of the city of Covington, in Kenton county," approved March 4, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section three of an act approved 4th, 1884, entitled "An act to prevent stock from running at large in the first magisterial district, outside of the city of Covington, in Kenton county," as exempts the of Ludlow from the provisions of said act, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1477.

AN ACT to amend an act, entitled "An act amending the charter of the city of Owensboro," approved April 7, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act amending the charter of the city of Owensboro," approved April 7, 1888, be, and the same is, amended as follows: By striking out all of section four after the words "from its passage."

§ 2. That said act be further amended by adding to section three of said act these words: "*Provided, however.* The city council of Owensboro shall have the power to levy the tax authorized by the act to which this is an amendment, for the year 1888, in June or July, 1888, and to be collected as other city taxes."

§ 3. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1478.

AN ACT to amend the charter of the Madison and Southeastern Railway Company, and to authorize the subscription by the New Castle voting precinct, in Henry county, to the capital stock thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the legal and qualified voters residing within the boundary of the New Castle voting precinct, in Henry county, are hereby authorized to vote on the question as to whether or not said precinct shall subscribe twenty-five thousand dollars to the capital stock of the Madison and Southeastern Railway Company: *Provided*, That when as many as twenty legal voters residing within said precinct shall petition the county judge of Henry county to order a

Election authorized.

vote in favor of said subscription, it shall be his duty to order said election to be held at the court-house in said precinct, on a day to be designated by the order, after giving to the voters notice thereof by a publication in the county paper at least one month before such election is to be held.

§ 2. The polls will be opened in two columns, one headed "For the subscription ;" the other, "Against the subscription." The county judge, county clerk and magistrate residing within the precinct shall compare the polls, and if a majority favor the subscription, the same shall be so certified and recorded in the record book of the Henry county court.

§ 3. In payment of said subscription the county judge shall issue bonds in the name of the New Castle voting precinct, thirty-five in number, for one thousand dollars each, payable, ten of the bonds in five years, ten in ten years, and fifteen in fifteen years, bearing six per cent. interest from date, negotiable and payable at the national bank of New Castle. No bonds will be delivered or subscription enforced until the road is finished from a point at or near Eminence to the town of New Castle, or within six hundred yards thereof, ready for the cars to run thereon.

§ 4. The county judge, when said bonds are issued, will levy an annual tax to pay the interest on said bonds, and so much of the principal as will enable the precinct to comply with its obligations as they mature.

§ 5. It shall be the duty of the sheriff of the county to collect the tax, for which he shall receive the same compensation as allowed for collecting the public revenue, and he will pay the same over to the treasurer of the company, or those entitled thereto ; and for the taxes collected prior to the maturity of the bonds, he will deposit the same in the same bank at New Castle, to be held by the bank and paid to the bondholders as the paper matures.

§ 6. The election shall be held under the super-

vision of sworn judges and other officers as are now required by law to hold regular elections.

§ 7. That should the road for which the aid may be voted under this amendment not be built, from a point at or near Eminence to a depot for said road at or near New Castle, within two years, then this amendment, and any vote taken under it by which aid may be voted, shall be of no effect.

§ 8. This act to take effect from its passage.

Approved May 3, 1888.

CHAPTER 1479.

AN ACT to incorporate the " Fincastle Club."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Charles D. Jacob, John E. Green, J. W. Gaulbert, Levi Bloom, C. T. Collings, S. R. Knott, St. John Boyle, Arthur Cary, M. Lewis Clarke, T. W. Todd, G. H. Hull, J. B. Castleman, W. H. Henderson, Thos. Anderson, their associates and successors, be, and are hereby, incorporated under the name of the Fincastle Club, and by that name may sue and be sued, and have and exercise powers and privileges incident to corporations.

§ 2. The capital stock of said corporation shall consist of not exceeding one hundred thousand dollars (\$100,000), divided into shares of one hundred dollars each. A majority of the incorporators may open books and receive subscriptions to the capital, which shall be payable at such times as may be provided in the subscription ; but no one person shall subscribe for or become the owner of more than one share; and whenever not less than five thousand dollars shall have been subscribed, the majority of the stock-

holders shall call a meeting of the stockholders to organize and elect officers and transact business.

§ 3. Every stockholder shall be a member of the corporation, and shall be entitled to the same rights and privileges accorded to other stockholders. The shares of capital stock in said corporation shall not be transferable, and whenever any member shall resign, die, or cease to be a member, the share of stock held shall thereupon revert to and become the property of the corporation. The board of directors of the said corporation may adopt by-laws providing for the admission and expulsion of members, and for the regulation of the affairs of the corporation, not inconsistent with the laws of the United States and the State of Kentucky.

§ 4. The affairs of the corporation shall be conducted by a board of directors, consisting of not less than seven and not more than eleven members, who shall be elected annually on the first Wednesday in May, and shall hold their offices until their successors are elected. The board of directors shall elect one of their number to be president, and shall also elect a "secretary and treasurer;" and may elect such other officers and agents as they may deem prudent.

§ 5. The said corporation shall have the power to acquire, hold and sell, or dispose of real estate, in the city of Louisville and the county of Jefferson, provided the cost thereof shall not exceed the sum of fifty thousand dollars (\$50,000), and may erect and maintain buildings thereupon for the accommodation and entertainment of the members of the said corporation and their guests; and may do and perform any and all lawful acts to provide and furnish such accommodation and entertainment.

§ 6. For the purposes of the said corporation it is authorized to borrow money, and to issue and sell its negotiable bonds to an amount not exceeding thirty thousand dollars (\$30,000), bearing interest at a rate not to exceed six per centum per annum, payable

semi-annually, the principal and interest being payable at such times and place as may be designated in the bond ; and to secure the payment thereof the said corporation may execute a mortgage or deed of trust on all the property and rights of the said corporation, with such covenants and conditions therein as may be deemed expedient.

§ 7. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1480.

AN ACT to incorporate the Kentucky State Homœopathic Medical Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. A. Lucy, C. P. Meredith, S. M. Worthington, J. T. Vansant, H. C. Kehoe, A. L. Monroe and D. H. Buck, and their successors and assigns, be, and they are hereby, created a body-politic, with powers to sue and be sued, plead and be impleaded, in any of the courts of this State, under the corporate name and style of the Kentucky State Homœopathic Medical Society, with perpetual succession.

§ 2. That the society shall consist of a president, vice-president, secretary and treasurer, and a board of censors, and the principal place of business shall be Frankfort, Kentucky, with power to change the same to some other point more accessible at any time by a majority of its members at any one of its regular annual meetings.

§ 3. That the object of said society is to guard against impostors in the medical profession, and to provide for holding of annual meeting of the profession, at which discussion may be had and interchange of thought, with a view of disseminating information among the members for the benefit of

humanity, and especially the advancement of science in that particular school of medical jurisprudence known as homœopathy.

§ 4. That said society shall meet once a year at least, and the first meeting under this act shall be held on the first Wednesday in May, 1888, and on each succeeding Wednesday in May each year thereafter, until the time is changed by a majority vote of its members in a regular annual meeting, which they are given power to do.

§ 5. That said society is given power to enact such by-laws, rules and regulations, for the government of their society as they, from time to time, may deem expedient, not inconsistent with the laws of the State or of the United States, and may revoke or amend same at pleasure.

§ 6. That they may select from their members a president, secretary and treasurer, and not less than three of their number who shall constitute a board of censors, who, in conjunction with the president and vice-president, shall constitute a board of examiners to examine and pass upon the validity and authenticity of the diplomas of applicants for membership in said society; and their indorsement shall entitle applicants to the right to register under the State law requiring physicians to register in the county court before he does business as a physician in any of the counties of this State.

§ 7. That said society may adopt and use a common seal, with such insignia as they may deem suitable, and alter the same at pleasure.

§ 8. That for the purpose of organization under this act, until the first regular meeting, and until their successors are elected and qualified, J. A. Lucy, Doctor of Medicine, shall be president of said society; C. P. Meredith, Doctor of Medicine, vice-president; S. M. Worthington, Doctor of Medicine, secretary, and I. T. Vansant, treasurer; and Dr. H. C. Kehoe, Dr. A. L. Monroe and Dr. O. N. Buck, who, with the

president and vice-president, shall constitute the board of censors.

§ 9. That this act shall take effect and be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1481.

AN ACT to incorporate the Mechanics' Savings Bank and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers.

§ 1. That L. C. Wolfolk, J. B. Martin, Jr., T. H. Sherley, W. H. Wathen, J. C. Strother and L. O. Cox, be, and they are hereby, created a body-corporate, by the name of "Mechanics' Savings Bank and Trust Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, implead and be impleaded, and have all the rights and powers hereinafter given; and may have and use a corporate seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of this corporation shall be two hundred thousand dollars, which shall be divided into shares of fifty dollars each; but the capital stock may, at the first or at any subsequent annual or special meeting of the stockholders, be increased to any sum not exceeding one million dollars, or it may be increased from time to time to a sum not exceeding the aggregate aforesaid, the assent of two-thirds of the capital stock being necessary to any increase. The corporators, or the majority of them named in the first section of this act, shall have power to open books for subscriptions to the capital stock at such times and places as they may deem expedient, and when not less than one thousand shares shall have been subscribed, and ten per centum thereon

shall have been actually paid in, the stockholders may elect a board of not less than five directors, who may be increased at any time, by a vote of the stockholders owning two-thirds of the capital stock, to any number not exceeding nine, and the directors shall serve until the next annual election, or until their successors are elected and qualified; and said board of directors, when it shall have organized, shall be authorized and empowered to have and to exercise, in the name of this corporation, all the rights and privileges herein conferred; but active business shall not be commenced until at least fifty thousand dollars shall have been paid on the capital stock. Should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

§ 3. The board of directors shall divide itself, by lot, into three classes, as nearly equal as may be. Terms of office of board. The term of office of the first class shall expire at the end of one year; of the second class, at the end of two years; and of the third class, at the end of three years; and at the end of the first year, and annually thereafter, there shall be chosen a number of directors equal to the number whose terms will then expire, who shall hold their offices for three years, or until their successors are elected and qualified. Vacancies in the office of director shall be filled by the board until the next regular election. All the directors shall be citizens of the State of Kentucky, and shall reside therein, and no person shall be a director who is not the owner of at least ten shares of the capital stock of this company.

§ 4. The directors shall elect from their number, at the first meeting after their election, and annually thereafter, a president and a vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and may appoint a cashier, secretary and treasurer, and such President of board.

president and vice-president, shall constitute the **board** of censors.

§ 9. That this act shall take effect and be in **force** from and after its passage.

Approved May 3, 1888.

CHAPTER 1481.

AN ACT to incorporate the Mechanics' Savings Bank and Trust Com-
pany.

*Be it enacted by the General Assembly of the Com-
monwealth of Kentucky:*

Names of incor-
porators and cor-
porate powers.

§ 1. That L. C. Wolfolk, J. B. Martin, Jr., T. H. Sher-
ley, W. H. Wathen, J. C. Strother and L. O. Cox, be,
and they are hereby, created a body-corporate, by the
name of "Mechanics' Savings Bank and Trust Com-
pany;" and by that name shall have perpetual suc-
cession, may contract and be contracted with, sue and
be sued, implead and be impleaded, and have all the
rights and powers hereinafter given; and may have
and use a corporate seal, and alter the same at
pleasure.

Capital stock.

§ 2. The capital stock of this corporation shall be
two hundred thousand dollars, which shall be divided
into shares of fifty dollars each; but the capital stock
may, at the first or at any subsequent annual or spe-
cial meeting of the stockholders, be increased to any
sum not exceeding one million dollars, or it may be
increased from time to time to a sum not exceeding
the aggregate aforesaid, the assent of two-thirds of
the capital stock being necessary to any increase.
The corporators, or the majority of them named in
the first section of this act, shall have power to open
books for subscriptions to the capital stock at such
times and places as they may deem expedient,
and when not less than one thousand shares shall
have been subscribed, and ten per centum thereon

shall have been actually paid in, the stockholders may elect a board of not less than five directors, who may be increased at any time, by a vote of the stockholders owning two-thirds of the capital stock, to any number not exceeding nine, and the directors shall serve until the next annual election, or until their successors are elected and qualified; and said board of directors, when it shall have organized, shall be authorized and empowered to have and to exercise, in the name of this corporation, all the rights and privileges herein conferred; but active business shall not be commenced until at least fifty thousand dollars shall have been paid on the capital stock. Should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

§ 3. The board of directors shall divide itself, by lot, into three classes, as nearly equal as may be. The term of office of the first class shall expire at the end of one year; of the second class, at the end of two years; and of the third class, at the end of three years; and at the end of the first year, and annually thereafter, there shall be chosen a number of directors equal to the number whose terms will then expire, who shall hold their offices for three years, or until their successors are elected and qualified. Vacancies in the office of director shall be filled by the board until the next regular election. All the directors shall be citizens of the State of Kentucky, and shall reside therein, and no person shall be a director who is not the owner of at least ten shares of the capital stock of this company.

§ 4. The directors shall elect from their number, at the first meeting after their election, and annually thereafter, a president and a vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and may appoint a cashier, secretary and treasurer, and such

president and vice-president, shall constitute the board of censors.

§ 9. That this act shall take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1481.

AN ACT to incorporate the Mechanics' Savings Bank and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers.

§ 1. That L. C. Wolfolk, J. B. Martin, Jr., T. H. Sherley, W. H. Wathen, J. C. Strother and L. O. Cox, be, and they are hereby, created a body-corporate, by the name of "Mechanics' Savings Bank and Trust Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, implead and be impleaded, and have all the rights and powers hereinafter given; and may have and use a corporate seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of this corporation shall be two hundred thousand dollars, which shall be divided into shares of fifty dollars each; but the capital stock may, at the first or at any subsequent annual or special meeting of the stockholders, be increased to any sum not exceeding one million dollars, or it may be increased from time to time to a sum not exceeding the aggregate aforesaid, the assent of two-thirds of the capital stock being necessary to any increase. The corporators, or the majority of them named in the first section of this act, shall have power to open books for subscriptions to the capital stock at such times and places as they may deem expedient, and when not less than one thousand shares shall have been subscribed, and ten per centum thereon

shall have been actually paid in, the stockholders may elect a board of not less than five directors, who may be increased at any time, by a vote of the stockholders owning two-thirds of the capital stock, to any number not exceeding nine, and the directors shall serve until the next annual election, or until their successors are elected and qualified; and said board of directors, when it shall have organized, shall be authorized and empowered to have and to exercise, in the name of this corporation, all the rights and privileges herein conferred; but active business shall not be commenced until at least fifty thousand dollars shall have been paid on the capital stock. Should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

§ 3. The board of directors shall divide itself, by lot, into three classes, as nearly equal as may be. Terms of office of board. The term of office of the first class shall expire at the end of one year; of the second class, at the end of two years; and of the third class, at the end of three years; and at the end of the first year, and annually thereafter, there shall be chosen a number of directors equal to the number whose terms will then expire, who shall hold their offices for three years, or until their successors are elected and qualified. Vacancies in the office of director shall be filled by the board until the next regular election. All the directors shall be citizens of the State of Kentucky, and shall reside therein, and no person shall be a director who is not the owner of at least ten shares of the capital stock of this company.

§ 4. The directors shall elect from their number, at the first meeting after their election, and annually thereafter, a president and a vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified; and may appoint a cashier, secretary and treasurer, and such President of board.

other officers, clerks, agents and employes as the business of the company may require. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him. At any stockholders' meeting a quorum of the stockholders shall consist of stockholders owning at least one-third of the capital stock.

Lands. § 5. All lands purchased by this corporation in satisfaction of debts shall be disposed of by said corporation within five years from the date of purchase, and if not disposed of within that time, must be exposed to public sale at the end of five years from the date of said purchase.

By laws. § 6. The board of directors shall make all by-laws necessary for conducting the business of the corporation; and they shall have power to require payment of the amount remaining unpaid on the capital stock of the corporation, at such times and in such proportions as they shall deem proper; the said assessments to be made as the by-laws may direct. The corporation shall have a lien on the stock for any one amount that may be due thereon.

Deposits. § 7. This corporation shall have the right and power to receive money on deposit, and may allow therefor to the depositor, if the corporation chooses so to contract, interest thereon at a rate not exceeding four per cent. per annum, or may provide in its by-laws for the payment of interest on deposits, or dividends in lieu of interest, upon such terms as it may deem advisable.

Safety vault. § 8. Said corporation may purchase or erect, at the option of the stockholders holding a majority in value of the stock, a building, a commodious and strong safety vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault

to such persons, and for such sums of money, and for such times, as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments; or said corporation may lease a building with such compartments or boxes therein, or erect such compartments or boxes therein, for its use, until such time as it may desire to construct or purchase its own building.

§ 9. Said corporation is hereby empowered to receive V. luables. for safe-keeping any valuables that may be intrusted to it; and, upon a consideration to be agreed upon by the parties, to guarantee the safe preservation and delivery of such special deposits, receipting for the same by any of its officers designated by its by-laws so to do.

§ 10. The capital stock, to the extent of fifty thousand dollars, and in the event of an increase over two hundred thousand dollars, then one-half of the capital stock paid in, shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in same, and shall be kept separate and apart from the other investments, and designated in the books of the company as "Investments of Trust Capital;" and it shall be the duty of the proper officers of the company annually, on or before the fifth day of January, or oftener if required by the court, to file in the Louisville chancery court a detailed statement, under oath or affirmation, of said investments, and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its liabilities in regard to its trusts as aforesaid shall have been first fully met and discharged. The residue of the capital, and other money in the hands of the company, may be

Investment of
capital stock.

other officers, clerks, agents and employes as the business of the company may require. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him. At any stockholders' meeting a quorum of the stockholders shall consist of stockholders owning at least one-third of the capital stock.

Lands.

§ 5. All lands purchased by this corporation in satisfaction of debts shall be disposed of by said corporation within five years from the date of purchase, and if not disposed of within that time, must be exposed to public sale at the end of five years from the date of said purchase.

By laws.

§ 6. The board of directors shall make all by-laws necessary for conducting the business of the corporation; and they shall have power to require payment of the amount remaining unpaid on the capital stock of the corporation, at such times and in such proportions as they shall deem proper; the said assessments to be made as the by-laws may direct. The corporation shall have a lien on the stock for any one amount that may be due thereon.

Deposits.

§ 7. This corporation shall have the right and power to receive money on deposit, and may allow therefor to the depositor, if the corporation chooses so to contract, interest thereon at a rate not exceeding four per cent. per annum, or may provide in its by-laws for the payment of interest on deposits, or dividends in lieu of interest, upon such terms as it may deem advisable.

Safety vault.

§ 8. Said corporation may purchase or erect, at the option of the stockholders holding a majority in value of the stock, a building, a commodious and strong safety vault, containing a number of small compartments or boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault

to such persons, and for such sums of money, and for such times, as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments; or said corporation may lease a building with such compartments or boxes therein, or erect such compartments or boxes therein, for its use, until such time as it may desire to construct or purchase its own building.

§ 9. Said corporation is hereby empowered to receive V. luables. for safe-keeping any valuables that may be intrusted to it; and, upon a consideration to be agreed upon by the parties, to guarantee the safe preservation and delivery of such special deposits, receipting for the same by any of its officers designated by its by-laws so to do.

§ 10. The capital stock, to the extent of fifty thousand dollars, and in the event of an increase over two hundred thousand dollars, then one-half of the capital stock paid in, shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in same, and shall be kept separate and apart from the other investments, and designated in the books of the company as "Investments of Trust Capital;" and it shall be the duty of the proper officers of the company annually, on or before the fifth day of January, or oftener if required by the court, to file in the Louisville chancery court a detailed statement, under oath or affirmation, of said investments, and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its liabilities in regard to its trusts as aforesaid shall have been first fully met and discharged. The residue of the capital, and other money in the hands of the company, may be

Investment of
capital stock.

loaned or invested in such manner as may be determined by the by-laws of the corporation, except it shall not be invested in real estate.

Security.

§ 11. The capital of said company shall be taken and considered as the only security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving same, and from time to time afterwards, to examine the officers of the company, under oath or affirmation, as to the security aforesaid, and appoint a suitable person to investigate the affairs and management of said company who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held; the expense of such investigation to be defrayed by the company.

Fiduciary capacity.

§ 12. The said corporation may be appointed, and may act as guardian of infants, as executor or administrator, or committee of lunatics; as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court in this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stocks, bonds or other obligations of any corporation, association or

municipality, State or public authority; and may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all its fiduciary of a fiduciary character shall be kept in a separate and special set of books.

§ 13. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by any court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as fixed by law with relation to individuals holding similar offices or trusts except as herein otherwise specially provided. The exercise of the other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

Duties and responsibilities in fiduciary capacity.

§ 14. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1483.

AN ACT to authorize and empower the city of Lexington, Fayette county, Kentucky, to subscribe to the capital stock of any railroad company, which may undertake the construction of a railroad between the city of Lexington and the town of Lawrenceburg, Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The city of Lexington, in Fayette county, is hereby authorized and empowered to subscribe for not exceeding one hundred thousand dollars of the capital stock of any railroad company chartered or to be chartered and organized under the laws of Ken-

Capital stock.

tucky, which may undertake to construct or complete a railroad, with single or double track, between the city of Lexington and the town of Lawrenceburg, in Anderson county, via Versailles, upon the terms hereinafter set forth. Such subscription may be made payable at such times and in such manner as may be agreed upon between such railroad company and the said city of Lexington; and may be paid in the negotiable coupon bonds of the city of Lexington: *Provided*, That the principal of such bonds may be made payable not more than thirty years after date, and shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually.

Manner of subscription.

§ 2. Such subscription, if made, shall be made in the following manner: The amount, terms and conditions of the proposed subscription shall be first approved by the mayor and general council of the city of Lexington, and shall then, by order of the said mayor and said council, be submitted to a vote of the legal voters of said city at an election to be held therein on the day to be named in such order for the purpose of ascertaining the sense of the legal voters of said city upon the question of making such subscription. Notice of such election shall be published in some newspaper in the city of Lexington not less than ten days before the holding of such election, and such other and further notice shall be given as may be prescribed by the mayor and general council in the order calling such election. At such election votes shall be received "For the railroad subscription," and "Against the railroad subscription." Officers of election shall be appointed by the mayor, and they shall hold such election at the places and in the manner provided with reference to ordinary election for officers of the said city of Lexington; and such officers shall make return of such election to the mayor of said city. As soon after said election as convenient, and within five days thereafter, said mayor of said city of Lexington shall cause the votes to be

counted, and shall determine whether a majority of the votes cast at such election were or were not in favor of such subscription; and if they were, the mayor shall thereupon, in the name and on behalf of said city of Lexington, subscribe for the stock of such railroad company in the amount mentioned in such proposed subscription, and in accordance with the terms thereof; and thereupon the mayor shall cause the bonds necessary for the payment of said subscription to be prepared, and shall, in the name and on behalf of said city of Lexington, execute the same in accordance with the terms of the subscription.

§ 3. Said bonds, when so prepared and executed, ^{Bonds.} shall be by the mayor deposited with such trustee or trust company as may be agreed upon between such railroad company and the mayor of said city, to be held by said trustee and delivered to said railroad company, or to its orders, when it shall become entitled thereto by the terms of the act; but said bonds shall not be delivered by the trustee to said railroad company until the road proposed shall have been constructed between Lexington and Lawrenceburg via Versailles, and a railroad connection with said road shall have been established by said company, or by some other company, in such manner that a train of cars may pass, and shall have passed, thereover, via Lawrenceburg, between Louisville and Lexington. Simultaneously with the delivery of said bonds, the said railroad company shall cause to be delivered to the mayor of Lexington, for and on behalf of said city, the certificate or certificates for an amount of capital stock of such railroad company equal, at its par value, to the par value of the amount of stock subscribed by said city.

§ 4. An annual tax, sufficient to pay the interest ^{Levy of tax.} coupons aforesaid as it matures, and to create a sinking fund sufficient to pay the principal of said bonds at maturity, shall be levied, collected and used for the payment of such interest, and ultimately of the prin-

cipal of said bonds, by the proper disbursing officers of the city.

§ 5. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1484.

AN ACT to promote the study of medicine and surgery in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whereas, it is necessary for the good of mankind that those persons who are engaged in the study practice of medicine and surgery should obtain a knowledge of the structures of the human body, that they may thus better understand the diseases of the body; be it hereby enacted,

§ 1. That it shall be lawful for the professors of any legally chartered medical college within the corporate limits of the city of Louisville, Kentucky, or any person or persons authorized by said professors, to take the dead body or bodies of any unclaimed pauper dying in the public hospitals of the city of Louisville; and that the professors or their agents may examine, dissect and study for the advancement of science the said body or bodies of said unclaimed deceased paupers; and be it further provided, that after said body or bodies shall have been examined and studied, the remains shall be duly buried in the burying-ground provided and set apart for that purpose by the city of Louisville; and be it further provided, that said body or bodies shall be duly embalmed, and preserved in a suitable cold storage-room provided for that purpose; and that the said body or bodies shall be kept thirty days before being examined or dissected.

§ 2. *Be it further provided*, That the said hospitals, medical college, and professors of said city, shall keep suitable books, in which shall be recorded a list of the names, cause of death, date of death, age and sex, and place of final interment, of said pauper body or bodies.

§ 3. *Be it further provided*, That should any friend or relative of such deceased pauper claim any body or bodies for immediate burial, said professors shall immediately surrender said body or bodies to said friend or relative free of any charge or cost to them.

§ 4. This law shall go into effect on and after its passage.

Approved May 3, 1888.

CHAPTER 1485.

AN ACT to repeal an act, entitled "An act to provide for the working of and keeping in repair the public roads in Floyd county, and to define the duties of the county judge and board of commissioners of said county in relation thereto," approved April 24, 1888, and to further define the duties of the county judge and board of commissioners of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the working of and keeping in repair the public roads in Floyd county, and to define the duties of the county judge and board of commissioners of said county in relation thereto," approved April 24, 1888, be, and the same is hereby, repealed.

§ 2. *And be it further enacted*, That the entire care and control of the public roads of Floyd county shall be under the supervision of the county judge of said county, as provided by the General Statutes, save and except to let contracts for building bridges, making fills and culverts, and blasting rock on said roads, which shall be done by the county commissioners, as herein provided. If, in the opinion

of the county judge, there is a bridge to be built or culvert or fill to be made, or rock to be blasted, which can not be done by the road hands, and that the same will not cost more than one hundred dollars, he shall notify the county commissioner nearest the work to be done, whose duty it shall be to let the same at public outcry at the place where the work is to be done, to the lowest and best bidder, after giving at least ten days' written notice of the fact, by posting such notice in three or more conspicuous places in the county: *Provided*, That if the work will not cost more than ten dollars, he may let the same at private contract.

§ 3. If, in the opinion of the county judge, the work will cost more than one hundred dollars, he shall notify all of the county commissioners, who shall proceed in the manner hereinbefore provided for one commissioner.

§ 4. The amount of such contracts shall be allowed and paid out of the county levy of said county as other county claims are allowed and paid, but not until the work has been fully completed and received by the commissioner or commissioners awarding the contract, and the claim filed in the county clerk's office as other county claims are required to be filed. In letting a contract at public outcry, the commissioner or commissioners shall reserve the right to reject any and all bids whenever it is deemed to the best interests of the county to do so.

§ 5. So much of any and all acts or parts of acts as are in conflict herewith are hereby repealed, and this act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1486.

AN ACT for the benefit of P. H. Gupton.

WHEREAS, One W. J. Parker, was in 1882, indicted in the Ballard circuit court, charged with the crime of murder; and whereas, said W. J. Parker fled from the Commonwealth of Kentucky and took refuge in the State of Texas; and whereas, the then Governor of this Commonwealth, to wit: Luke P. Blackburn, did, on seventh day of October, in 1882, issue his requisition for the person of said W. J. Parker, and did on same day also issue and publish his proclamation appointing P. H. Gupton, agent on the part of the State of Kentucky, to proceed to the State of Texas for the purpose of demanding and receiving from the proper authority of said State of Texas the said W. J. Parker; and whereas, it appears from the affidavit of said P. H. Gupton that, in obedience the request and direction of the Governor of Kentucky so given to him, he did go to the State of Texas, found and arrested said Parker, and started back to Kentucky; but that said Parker, by the assistance of his friends, escaped from said arrest; and whereas, it appears from said affidavit that said Gupton spent of his own money, in attempting to execute the duty imposed upon him by the Governor of Kentucky, the sum of two hundred dollars; and whereas, it appears that said Gupton lost much time and labor in attempting to execute the will of the said Governor of Kentucky; now, therefore, for the purpose of reimbursing said Gupton,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer of this Commonwealth, in favor of said P. H. Gupton, for the sum of one hundred and fifty dol-

lars, to be paid out of any money not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1487.

AN ACT to amend an act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That article 7, section 9, be amended as follows: By adding thereto, at the conclusion thereof, the following words, to wit: "Provided such proposed voter, who is required by law to pay a poll-tax, shall, ten days preceding the election, have paid his poll-taxes due said city for the existing fiscal year. For the purpose of ascertaining who have so paid their taxes, the city marshal or collector shall give to each person so paying a receipt or certificate to that effect, a registration of which shall be kept by said marshal or collector, to be furnished on demand to the officers of election.

§ 2. Before any election shall be held under this act, it shall be inserted in one or more newspapers published in the city of Mt. Sterling, at least twenty days prior to such election.

§ 3. This act shall take effect from and after its passage.

Approved May 8, 1888.

CHAPTER 1488.

AN ACT for the benefit of George W. Hunter and C. W. Tiller.

WHEREAS, In 1881 George W. Hunter and C. W. Tiller arrested one James M. Woodcock, who was charged with the crime of horse-stealing in Jefferson county, Kentucky; and whereas, said arrest was made by due process of law, and the criminal was surrendered to the jailer of Jefferson county, and he afterwards gave bail in the sum of four hundred dollars and he was released, and said bond was forfeited, and the Commonwealth obtained the money thus forfeited less the commissions of the officers; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty dollars is hereby allowed and appropriated to said Geo. W. Hunter and C. W. Tiller for said services, out of any money not otherwise appropriated, to be paid by the Treasurer upon the warrant of the Auditor.

§ 2. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1490.

AN ACT to amend an act relating to the Presbyterian Church of Bowling Green, and incorporating the First Presbyterian Church of Bowling Green, approved February 7, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act relating to the Presbyterian Church of Bowling Green, and incorporating the First Presbyterian Church of Bowling Green, approved February 7, 1868, be, and it is hereby, amended so as to vest the control of all the property now owned, or that may hereafter be acquired by the First Presby-

terian Church of Bowling Green, in the board of deacons of said church; and said board of deacons are hereby authorized to sell and convey any of the property of said church: *Provided*, That before any sale of real estate belonging to said church is made, the proposed sale shall be authorized by a majority of the adult members of said church, either at a meeting held in the church edifice or by signing a paper authorizing the sale; this paper to be recorded in the minutes of the session-book, with the signatures attached.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1491.

AN ACT to provide for the advertisement of the sales of real and personal property under decree of court and execution, in the counties of McCracken, Ballard, Carlisle and Marshall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sales of real property made under order of court or execution, when the amount of the judgment, exclusive of interest and costs, is one hundred dollars or more, shall be advertised by publication of the time, terms, and place of sale, together with a description of the property to be sold, once a week, for two weeks before the day of sale, in a newspaper published in the county where the sale is to be made.

§ 2. Compensation for the advertising required by section 1 shall not exceed one dollar for the first inch, and fifty cents for each additional inch for the first insertion, and fifty cents per inch for the second insertion; the whole compensation not to exceed five dollars in each case.

§ 3. The order of court shall designate the paper to

publish said sale under decree, and the sheriff shall designate the paper in all sales under execution in any county in which two or more papers are published.

§ 4. The printer's fees for publishing said advertisements shall be taxed as costs in such cases.

§ 5. This act to apply to the counties of McCracken, Ballard, Carlisle, and Marshall only, and to be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1492.

AN ACT to amend the charter of the city of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the tax-bills for all taxes and School tax. tithes levied by the city council for the public schools in the city of Ludlow shall be made out by the city clerk and included in the tax-bills containing the ordinary levy, and shall be collected with same, and in the same manner that the ordinary levies are collected by the collecting officers of said city; and the powers and duties conferred and required of them in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes and tithes levied for said public schools, and such collecting officers and their sureties shall be liable under their official bonds for any failure to perform the duties herein imposed upon them, upon which bonds suit may be brought by the city, and recovery had for all damages and losses the city shall sustain by reason of the failure of the said collecting officer to perform the duties herein provided.

§ 2. The official terms of the city assessors hereafter Terms of assess- chosen shall be for two years, instead of one, as now or. by law provided, which assessors shall hold the office

of assessor under the same limitations, qualifications, restraints, duties and compensation, as now by law provided and required, except as the same is in this act changed.

§ 3. That section one of the amendment to the city charter, approved May 18, 1886, be, and the same is hereby, amended by striking out the figures $\frac{1}{4}$ wherever same appears in said section 1, and substituting in lieu thereof the figures $\frac{1}{16}$.

Bonds.

§ 4. That section two of the said act, approved May 18, 1886, be, and the same is hereby, amended so as to read: "That within thirty days after the signing of the contract by the contractor, it shall be the duty of the president of the council to issue the bonds of the city of Ludlow in such sums as council may order, not exceeding the sum of the contract price for the work, and all expenses attending the completion of said work, including the expense attending and of issuing said bonds, which bonds shall be redeemable by the city at any time within ten years after the date of the issue of same that council may ordain; and the city of Ludlow may redeem any of said bonds at such time or times, within said ten years, as may be stated in said bond or bonds; and said bonds shall be payable at any bank or banks in the city of Covington that council may direct, which place of payment shall be designated in each and every bond issued under these amendments and the original act, approved May 18, 1886.

Assessments.

§ 5. That so much of the third section of the act approved May the 18th, 1886, as provided "that the assessment shall be made as soon as the contract to make the improvement shall be fully executed, and the sum assessed against each piece of property, and also against the owners thereof, shall be placed upon the tax list of the city, and shall be payable at the office of the city treasurer in sixteen equal installments," be, and the same is hereby, repealed; and in lieu thereof it is enacted, and said third section is

hereby amended so as to read that "the assessment shall be made as soon as the improvement is fully completed, and the sum assessed against each piece of property, and also the owners thereof, shall be placed upon the tax list of the city, and shall be payable at the office of the city treasurer in twenty (20) equal installments."

§ 6. That so much of section 4 of said amend- Lot owners.
ments as gives to the owner or owners of the lots and parts of lots assessed for street improvements the right at any time to pay off in full the assessment against their property for street improvements, "by paying the amount of said assessment against his or their lot or lots, or parts of lots, with interest at six per cent. per annum and costs up to the date upon which he or they make said payment in full, or after having paid one or more of said installments, he or they shall have the privilege of paying off the remainder, with interest at six per cent. per annum, at any time, and the interest shall be collected only to the date of the payment in full," be, and so much of said section is hereby, repealed, and in lieu thereof it is hereby enacted that the owner or owners of lots, and parts of lots or a lot, may, at any time after the assessment for a street improvement is made, pay off in full the whole amount of his or their assessment, with interest on the said full amount of such assessment from the date of the assessment up to and including the next ensuing date provided for the payment of the city taxes of the said city of Louisville.

§ 7. Hereafter the valuation of all real estate in Valuation of
real estate.
said city for taxation shall be made every third year, beginning with the assessment made by the assessor in 1889; and that the valuation placed on the real estate in said city, at such next general assessment for general taxation, shall be the value at which said real estate shall be assessed and taxed each succeeding year for three years; but the improvements on

the real estate and personal property in said city shall be valued yearly by the assessor for taxation.

§ 8. All provisions of the original charter, and of any of the amendments thereto, in conflict with or inconsistent to any of the provisions of this amendment, are hereby repealed, in so far as same shall be in conflict with, or inconsistent to, the provisions of this amendment, and no further.

§ 9. This act shall take effect and be in force from and after its passage.

Approved May 3, 1848.

CHAPTER 1493.

AN ACT to incorporate the Baptist Church of Hartford, Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporation
and corporate
powers.

§ 1. That the members of the Baptist Church at Hartford, in Ohio county, Kentucky, and their successors, be, and they are hereby, created a body-politic and corporate, by the name and style of "The Baptist Church at Hartford," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded; of acquiring by purchase, gift, devise, lease or otherwise, and of holding real estate and personal estate, not exceeding ten thousand dollars, and shall have power to manage and control the same; and shall have power to receive all necessary conveyances, to sell, convey and dispose of all such real and personal estate as they may now have or may hereafter acquire, and reinvest the proceeds thereof in such real or personal estate for the use of said corporation as they may deem proper.

Board of directors.

§ 2. That the real and personal estate of said corporation shall be managed by a board of five trustees,

members of said church, who shall be elected by the members of said church at some regular church meeting for business, and they shall continue in office during the pleasure of said church; and any vacancy occurring in said board of trustees by death, removal of membership, or any other cause, shall be filled at the next regular meeting of the church for business, by a majority of the members present; the said board of trustees shall have power to choose from their own body a president, secretary and treasurer, whose duties shall be such as usually devolves upon such officers. All moneys that shall come into the hands of said trustees shall be invested and paid out by them as directed by order made at some regular meeting for business of the members of said corporation by majority of those present at such meeting; and no money shall be paid out or invested by the treasurer of said board of trustees except upon order of said board of trustees, made in compliance with the order of said corporation, and signed by the president and countersigned by the secretary of said board of trustees.

§ 3. That upon order of said corporation, made at Sale of real estate. some regular church meeting for business by a majority of the members present at such meeting, the said board of trustees shall have power to sell and convey any real estate belonging to said corporation, and make full and perfect title thereto to the purchaser thereof; and said conveyance shall be signed and acknowledged by a majority of said trustees; and when signed and acknowledged by said majority, the conveyance of said property shall convey a perfect title to the same to the purchaser thereof.

§ 4. The said board of trustees shall have power Powers of board. to transact any business pertaining to their duties at any time when a majority of them shall be present; and at all meetings a majority shall constitute a quorum to do business. They shall keep a record of their acts and business, and shall make a report

thereof from time to time to the church as its interests may require.

By-laws. § 5. That said corporation shall have power to establish such by-laws, rules and ordinances, not inconsistent with charter, the Constitution and laws of this State or the United States, as it shall deem necessary for the supervision and government of said corporation or its members; and at any meeting shall have power to receive any person into its membership, or exclude any member from its fellowship, and is hereby invested with all other powers and authority incident to similar institution.

Quorum. § 6. That a majority of the members of said corporation, present at any meeting, shall constitute a quorum to do business.

Rights of present trustees. § 7. That upon the qualification of the board of trustees, elected pursuant to section second of this act, the rights, powers and duties of the present trustees of the "Baptist Church at Hartford" shall cease, and their term of office shall expire, and the title to all property now vested in said trustees is hereby invested in the corporation "Baptist Church at Hartford."

Finance committee. § 8. That the money for ordinary current expenses of the corporation shall be managed, not by the board of trustees, but by a finance committee of the church.

§ 9. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1494.

AN ACT to create and regulate the office of county treasurer for Nicholas county, and to create and establish a sinking fund for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creating and time of electing. § 1. That there is hereby created for the county of Nicholas the office of county treasurer; said officer

to be appointed by the presiding judge of the Nicholas county court. The first appointment under this act to be made by said judge on the second Monday in October, 1888, the person appointed to his office until the second Monday in September, 1890, and until his successor has been appointed and qualified. On the second Monday in September, 1890, and on the second Monday in September in every fourth year thereafter, a successor to said office shall be appointed by said judge. The treasurer so appointed shall, before entering upon the discharge of his duties, execute a bond with one or more sureties, to be approved by said judge, a bond similar to that required by law to be given by collectors of the county levy, to be sued upon in the same manner; and said judge may, at any time during said treasurer's term of office, require him to give additional security on his bond; said bond to be attested by the clerk of the Nicholas county court, and the same, together with the approval of the sureties, shall be noted of record in said county court. A failure to qualify on or before the first day of January next after his appointment, or to give the additional security within the time fixed by said judge, shall forfeit his right to the office, and cause a vacancy therein.

§ 2. In case of a vacancy in said office, as indicated Vacancies. in section 1, or in case of a vacancy from death, resignation, removal, or from any cause, the county judge shall appoint a treasurer, who shall hold his office for the unexpired term, but who shall first give bond as required by section 1.

§ 3. It shall be the duty of the treasurer to collect, Duties of treasurer. receive and receipt for all money due or to become due the county from the several collecting officers thereof, including any balance in the hands of his predecessor in office. Said money, except such as may be a part of the sinking fund hereinafter established, to be held subject to the order of the county court and court of claims of said county, as they are

now or may hereafter be authorized by law to dispose of same. He shall have power, and it shall be his duty, to institute actions against all delinquent sheriffs or collectors. In the month of October in each year such sheriff or collector shall settle their accounts with the treasurer, and pay over to him all moneys collected by him and due said county. He shall report said settlement to the county court at its next term, and shall keep a book, to be furnished by him and paid for out of the county levy, in which he shall keep a correct account of all money received by him for the county, showing when and on what account received, and when and on what account disbursed. It shall not be lawful for any person except such treasurer to receive any money due or to become due the county: *Provided, however, That the sheriff or collector may, as heretofore, pay off claims against the county out of the county levy, and receive credit therefor in settlement with the treasurer.*

Settlements of
county judge
with treasurer.

§ 4. It shall be the duty of the county judge of said county, in the month of December of each year, to settle the county treasurer's accounts and report the same to the next county court, and the same shall then be filed and lie over to the next succeeding term for exceptions; and exceptions may be taken and filed thereto by the county attorney for any and all errors of law or fact occurring therein; and if no exceptions are then filed, or those filed are overruled, the settlement shall be confirmed and recorded; but if the county court shall, upon or without exceptions, perceive any error of law or fact occurring in said settlement, he shall have power and jurisdiction to correct same, and said settlement as corrected shall be recorded.

Record of settle-
ments.

§ 5. The county court clerk shall record all the settlements herein provided for. The county judge for making, and the county clerk for recording, the settlement with the treasurer, shall receive the same com-

compensation allowed by law in other cases for making and recording settlements, to be paid out of the county levy.

§ 6. The county court of claims shall, upon the appointment of said treasurer, fix the compensation to be allowed him for his services, which shall be paid out of the county levy, and which shall not be diminished, but may be increased, by said court during his term of office. Compensation.

§ 7. At the request and upon the complaint of the county attorney, the Nicholas county court, the county judge presiding, shall direct its clerk to issue, and thereupon said clerk shall issue, a summons requiring the county treasurer to appear in said court, at a time to be fixed in the order granting the summons, and show cause why he shall not be removed from said office, and said court shall proceed to hear and determine said complaint; and if it shall appear that said treasurer has, knowingly and willfully, misused the money in his hands as treasurer, or that said treasurer has been guilty of any fraud or misconduct in the exercise of his official powers or duties, said court may remove him from said office and declare the same vacant. Removal from office.

§ 8. In order to create a fund for the payment of debts and claims against the county, which would otherwise be payable out of the county levy for 1889, the presiding judge of said county court is authorized and empowered to levy, in 1888, to be collected in that year, levy a tax of twenty-five cents on each one hundred dollars of property in said county subject to taxation for purposes of State revenue; and said tax, when collected, shall be paid to the treasurer, and used by him in paying said debts and claims when ordered to do so by the court of claims, or upon appropriations made by the county judge under existing laws. The county levies now provided for by law shall continue, and the proceeds thereof, and the balance, if any, of the above named tax, shall be used Special tax.

in paying off the current debts and expenses of the county as they fall due and are allowed by the court.

Sinking fund. § 9. That there is hereby created and established for said county a sinking fund, to be made up of the dividends which may accrue to said county on stock owned by her, or which she may hereafter own in turnpikes and railroads; of balances of ad valorem taxes which may remain in the hands of the treasurer after paying off the appropriation or subscription for which the tax was levied; of a tax of not exceeding twenty cents on each one hundred dollars' worth of taxable property, which the court of claims may, and is hereby, authorized to levy in any year, or in different years, to meet any deficit or probable deficit in the county levy for the payment of the current expenses of the county; and in addition to these sources of revenue devoted to the sinking fund, if hereafter, under the provisions of any law or laws, bonds of the county shall be issued, bearing interest, and under the provisions of such law or laws a tax is levied to pay the interest on said bonds, said tax, when collected, shall constitute a portion of said sinking fund; and in addition thereto, when such bonds are issued and outstanding, the court of claims and levy of said county shall have power annually to levy a further tax on all the property in said county subject to taxation sufficient to raise a sum, not exceeding ten thousand dollars, which, when collected, shall constitute and be a part of the sinking fund. But the last named tax shall not be levied or collected unless the court shall deem it necessary in order to raise a fund to purchase or redeem outstanding bonds of the county.

Commissioners of sinking fund. § 10. The presiding judge of the Nicholas county court, the county clerk of said county, and the county attorney of said county, shall, by virtue of their respective offices, be, and they are hereby, constituted a board of commissioners of the sinking fund for Nicholas county. The county judge shall be presi-

dent of the board, and the county clerk secretary thereof. The county treasurer shall be treasurer of the board; but before entering upon the discharge of his duties he shall execute a bond before the clerk of the Nicholas county court, with one or more good and sufficient sureties, to be approved by the judge of said court, conditioned for the faithful discharge of his duties as treasurer for said board, and that he will account to said board of commissioners, and pay upon their order the whole or any part of the funds in his hands; said bond to be lodged and kept in the clerk's office of said county court; and upon same, for a violation of any of its provisions, the county may sue and recover, and the amount of recovery, when collected, shall be paid into and constitute a part of the sinking fund. The said board of commissioners shall be a body-politic, and shall have perpetual succession; may sue and be sued, and may do all and singular every act which may be done by a body-corporate, and they shall be known and designated by the name and style of "The Commissioners of the Sinking Fund for Nicholas county." All the sources of income provided for by this act, and made part of the sinking fund, shall be under their management and control, and they may from time to time invest the surplus money belonging to said sinking fund in safe and profitable stocks, bonds or real estate securities, in order that said fund may be made both profitable and available. The board shall report in writing to the county court, at each January term, their proceedings for the past year, which report shall show fully the condition of the resources of the sinking fund, which report shall be filed and entered of record on the order-book of said court.

§ 11. The resources of the sinking fund shall be used, set apart and held sacred for the following purposes, and none other, to wit: To pay interest on county bonds as it may fall due; to purchase or re-

Purposes of
sinking fund.

deem such bonds, and to supply and deficit that may occur, by reason of the county levy being insufficient to pay the claims against the county allowed by the Nicholas county court of claims, to be paid out of the county levy, and appropriations made by the county court, under the provisions of section 1, article 3, chapter 27, General Statutes. But the same shall only be paid out by the treasurer upon the order of the board, signed by the president; and when county bonds are purchased or redeemed, the same shall be canceled by burning, in the presence of the board, and the fact of the burning, with a description of the bonds so canceled, shall be entered of record on the order-book of said court.

§ 12. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1495.

AN ACT for the benefit of Lagrange precinct, in Oldham county, and to submit to the voters the levy of a tax to build a turnpike, and authorize commissioners to issue bonds.

Preamble. WHEREAS, The citizens of Lagrange precinct, in Oldham county, Kentucky, are desirous of constructing a turnpike road from Lagrange to the Henry county line:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Levy of tax. § 1. The county court of Oldham county, a majority of the justices being present, are hereby authorized and directed to levy a tax each year of ten cents on the one hundred dollars' worth of real and personal property, of every description, within the limits of the Lagrange precinct, in Oldham county, Kentucky, until ten thousand (\$10,000) dollars and inter-

est is raised, which shall be collected by the sheriff in the regular course of his duties as such, for the purpose of constructing a turnpike from Lagrange to the Henry county line, to intersect with the Lagrange and Jericho pike; also from Lagrange to Brownsboro, so far as the Lagrange precinct extends: *Provided*, That before the said county court and justices shall make an order directing said levy to be made, they shall submit to the qualified voters of said precinct the question whether they are for or against the levy of said tax of ten cents on the one hundred (\$100) dollars, for the purpose of building said turnpike; the vote to be taken on the first Saturday in August and February of each year for two years, unless sooner carried, due notice to be given by publication in at least one newspaper for twenty days before said vote is taken.

§ 2. George W. Irvin, Joseph Sauer, John S. Buckner, are hereby appointed commissioners under this act, and they are hereby empowered and authorized to issue, negotiate and deliver twenty bonds, of the denomination of five hundred dollars each, to be paid by the sheriff out of the tax collected under the provisions of this act; said bonds not to exceed ten thousand dollars, and to bear interest at the rate of not exceeding six per cent. per annum, payable annually; and said tax shall be annually levied and collected until said bonds are paid; said bonds to be signed by the said parties as commissioners; and they will fix the dates of said bonds, so as to enable them to be paid by the sheriff, as they respectively fall due, out of the tax as collected.

Names of commissioners and their duties.

§ 3. The said commissioners are authorized to locate said road, and have the same built as economically as possible.

Location of road

§ 4. This act shall not conflict with any other tax authorized to be voted on Oldham county or the precincts by the citizens.

§ 5. This act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1496.

AN ACT authorizing the Women's Educational and Industrial Union, of Covington, to convey the real estate of which it now holds the title to the Home for Aged and Indigent Women of Covington.

WHEREAS, The persons named as incorporators in the act passed at the present session of the General Assembly incorporating the Home for Aged and Indigent Women of Covington, Kentucky, did, before the passage of said act, purchase certain real estate situate in Covington, Kentucky, for the uses and purposes of said institution, which was conveyed to the Women's Educational and Industrial Union of Covington, Kentucky, a corporation created by an act of the General Assembly, approved February 26, 1886, in trust for said first named corporation, in pursuance of an agreement that said real estate should be conveyed to said first named corporation as soon as the same should be created ; and whereas, there is some doubt as to the power of the said The Women's Educational and Industrial Union of Covington, Kentucky, under the terms of its charter, to make said conveyance ; and whereas, said real estate is the only real estate to which said last named corporation holds the title ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said The Women's Educational and Industrial Union of Covington, Kentucky, be, and is hereby, authorized and empowered to convey the real estate, of which it now holds the title, to the said The Home for Aged and Indigent Women of Covington, Kentucky.

§ 2. This act shall be in force from its passage.

Approved May 3, 1888.

CHAPTER 1497.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester," approved February 2, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of councilmen of the town of Winchester shall have the right to tax all fire insurance companies doing business in said town, and to fix the tax upon each in a sum not exceeding twenty dollars per annum.

§ 2. That this act shall take effect from and after its passage.

Approved May 3, 1888.

CHAPTER 1499.

AN ACT to amend an act, entitled "An act to establish the Lexington Police and Fire District, in Fayette county," approved February 27, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to establish the Lexington Police and Fire District, in Fayette county, and to provide for the government thereof," approved February 27, 1886, be, and the same is hereby, amended by striking out section 4 and inserting in lieu thereof the following: "That upon the petition in writing of the owners of the greater part of the taxable property of that portion of said district outside of the corporate limits of the city of Lexington, as the same shall have been valued for taxation in the year next preceding the date of such petition, the said commissioners shall provide for both police and fire protection for the inhabitants and property of said portion of said district; and to enable the commission-

ers to discharge the duty aforesaid, there shall be assessed by the Fayette county court, and collected in each year from the inhabitants and property of said portion of said district, a sum sufficient to pay a portion of the entire expense of the police and fire department for the whole district, which shall be relatively equal to the assessed value aforesaid of that within said city, and within that portion of the district outside of said city. Said tax shall be certified by the Fayette county court to the sheriff of said county, and collected and paid out by him upon the orders of the said commissioners; and said sheriff shall be accountable for the collection and disbursement of all such taxes upon his county levy bond. When said petition shall be so made, the jurisdiction and duties of the police and fire department, acting within the city, shall extend to all parts of said district, subject to the control of said commissioners.

§ 2. All the sections and provisions of the act to which this is an amendment, except the fourth section thereof, are hereby re-enacted, and the present board of commissioners, and each member thereof, shall continue in office until their successors are duly appointed and qualified, as provided by the act to which this is an amendment; and all acts done by them are hereby approved and confirmed.

§ 3. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1501.

AN ACT for the benefit of Walter Lamaster, of Henry county, Kentucky, late committee of Pauline Nicholson.

WHEREAS, On the 8th day of September, 1884, by proceedings in the Henry county court, one Pauline Nicholson was adjudged a lunatic, and at same time Walter Lamaster was appointed as her committee,

and said inquest was filed in the Henry circuit court; and the April term, 1885, of said court, an order was made, that said Pauline Nicholson, being a harmless lunatic, that she be kept in the county, and that her committee, Walter Lamaster, be allowed seventy-five (\$75) dollars per year for keeping said Pauline Nicholson; and said committee did place said lunatic in charge of competent persons (she being a colored woman), and paid out of his own means for her keeping the sum of seventy-five dollars. She lived about fourteen months after said verdict was rendered, and is no longer a charge on the State:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Walter Lamaster, late committee of Pauline Nicholson, be allowed the sum of seventy-five dollars, the amount of money he paid as committee for Pauline Nicholson, a harmless lunatic; and the Auditor is directed to draw his warrant upon the Treasurer for said sum in favor of Walter Lamaster, to be paid out of any moneys not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved May 4, 1888.

CHAPTER 1506.

AN ACT to amend an act incorporating the town of Maytown, in Morgan county, and enlarging the boundary, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of March 4th, 1884, defining the line of said town, be so changed (or enlarged) as to include the dwellings of Richard Bolin, Henry S. Neff and Grant May, and that they are hereby declared citizens of said town.

§ 2. *And be it further enacted*, That said act in regard to holding election for the officers of said town be held on the first Monday in April every two years, instead of annually, as declared by act of March 4, 1884.

§ 3. This act to take effect from and after its passage.

Approved May 8, 1888.

CHAPTER 1507.

AN ACT for the benefit of Walter C. Elliott, of Morgan county.

WHEREAS, Walter C. Elliott, of Morgan county, is the natural son of Weston W. Cox, who desires to adopt him as one of his heirs-at-law, and have him rendered capable of inheriting from him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of Walter C. Elliott, of Morgan county, be, and is hereby, changed to Walter C. Cox.

§ 2. That said Walter C. Cox be, and is hereby, made an heir-at-law of said Weston W. Cox, and capable of inheriting from him and through him as fully and effectually as if he had been born in lawful wedlock.

§ 3. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1509.

AN ACT for the benefit of D. O. Robinson.

WHEREAS, Upon the fourteenth day of August, 1884, D. Owen Robinson, of Franklin county, Kentucky, while a guard at the penitentiary in Frankfort, Kentucky, and while acting in such capacity, being

in active duty, did, upon said day and date, while in the discharge of his duties as such guard in quelling an outbreak and mutiny among a portion of the prisoners confined in said penitentiary, receive certain gun-shot wounds from the hands of escaping prisoners ; and whereas, said wounds did cause said Robinson great bodily suffering, resulting in the permanent laming and disabling of said Robinson, and did put him to such expenses as to greatly embarrass him financially, as copy of bill of expense exhibiting a total account of two hundred and ninety-seven dollars, incurred by said Robinson during his confinement by cause of said wounding ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of five hundred dollars be, and is hereby, appropriated for the use and benefit of said Robinson, in recognition of his honorable and meritorious conduct as above, and in consideration of the wounding and disabling of said Robinson in the proper discharge of his duties, and to reimburse said Robinson in the amount expended by him for medical treatment while suffering and in imminent danger from wounds in the service of the State ; and the Auditor be directed to draw his warrant for said sum, payable to said D. O. Robinson ; and the Treasurer shall pay same as herein directed ; and this act shall be in full force and effect from its passage.

Approved May 3, 1888.

CHAPTER 1510.

AN ACT to amend an act, entitled "An act to incorporate and establish a system of public schools in the town of Russellville, and within a radius of three miles of the court-house in said town," approved April 9, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate and establish a system of public schools in the town of Russellville, and within a radius of three miles of the court-house in said town," approved April 9, 1886, be, and the same is hereby, amended by striking from the title and body of said act, wherever they occur, the words "three miles," and substituting therefor the words "one mile and a half."

§ 2. It shall not be lawful for the superintendent of the common schools of Logan county, or any trustees of the common schools in the said public school district, to order or make a levy of any ad valorem or capitation tax upon the property or polls of said public school district, as defined by the act of which this is an amendment, and by this amendment, for the purpose of constructing or purchasing a school building or school buildings for the use of the common schools of this Commonwealth within said boundary; and all orders or levies so made or attempted by any of said common school officers, under the power conferred upon them by the provisions of the common school law of this Commonwealth, shall be, and are hereby, declared to be void and not enforceable.

§ 3. Said superintendent is hereby directed to refund to the persons entitled thereto any and all sums of money which may have been paid by them under any levy imposed by his authority or direction upon the property or polls embraced in said public school boundary, for the purpose of purchasing or erecting a common school building in said district.

§ 4. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1512.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Trotting Horse Breeders' Association," approved February 17, 1876, and an act to amend the same, passed this session.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Kentucky Trotting Horse Breeders' Association," approved February 17, 1876, and an act amending the same, approved this session, be amended as follows: The Kentucky Trotting Horse Breeders' Association shall have the right to allow pools to be sold and books to be made on any race conducted by it on any course in Fayette county; and that, during the progress of said races, said association shall have the right to sell spirituous, vinous and malt liquors, by the drink, to persons in attendance on said races, after procuring a license therefor.

§ 2. The county clerk of the county of Fayette shall, on the application of the secretary of said association, and the payment of a license fee, that shall bear the same proportion to one hundred and fifty dollars that the number of days said races continue in any one year may bear to the full year, issue to said association a license to sell spirituous, vinous and malt liquors as aforesaid during its race meetings.

§ 3. The shares in said association may be of unequal value, ranging from fifty dollars to one hundred and fifty dollars, according to the actual payments made thereon by the share-holders; and if any dividends are paid, they shall be paid on each share in proportion to its value. Members of the association shall be equal in all other particulars.

§ 4. This act shall repeal all acts and parts of acts in conflict with it, and be in force from its passage.

Approved May 4, 1888.

CHAPTER 1513.

AN ACT to amend an act, entitled "An act to incorporate the Mortonsville and Lexington Turnpike Road Company," approved January 14, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Mortonsville and Lexington Turnpike Road Company be authorized and empowered to collect tolls on one mile of road at the same rate per mile as allowed by law between the Versailles and McCown's Ferry Turnpike Road and the village of Mortonsville.

§ 2. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1514.

AN ACT to amend an act, entitled "An act to establish a system of public and high schools for the town of Sebree, in the county of Webster, for white children only," approved April 19, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a system of public and high schools for the town of Sebree, in the county of Webster, for white children only," approved nineteenth day of April, 1888, be, and the same is hereby, amended as follows: Strike out the first section and insert in lieu thereof the following: "That there is established in the town of Sebree, in Webster county, in and for the district co-extensive with the corporate limits of said town, as for the time being same may be established, a system of public high schools, to be known as the Sebree Public and High Schools, which shall be under the control of a board of five trustees, to be elected by the qualified

voters under the common school laws within the corporate limits of said town; and the territory within said corporate limits, as same may for time being be established, is hereby declared to be a common school district under laws governing such schools."

§ 2. Section thirteen (13) is amended so as to provide that the tax, *per capita* and ad valorem, authorized by said section and an amendment thereto, heretofore at present session of the General Assembly adopted, shall be levied and collected for the period of ten years from and after the passage of this act.

§ 3. Section 14 of said act is stricken out, and the following is inserted in lieu thereof, viz: "Said bonds shall be made redeemable at any time not longer than ten years from and after their date, the time to be stated in face of the bond. They shall be made payable to bearer, shall be signed by the chairman of the board of trustees, and attested by the clerk or secretary thereof. No colored person shall pay any of the tax named in said act or in this act."

§ 4. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1515.

AN ACT to amend the charter of Elizabethtown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Elizabethtown is hereby authorized to issue the bonds of said town to an amount in the aggregate not exceeding twenty-eight thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, with coupons attached; the bonds to bear interest at the rate of six per cent. per annum, negotiable and payable to bearer at Elizabethtown, at the office of the treasurer of said town, at not more than

ten years from their date, the interest to be paid semi-annually ; said bonds shall be signed by the president of the board of trustees, and countersigned by the clerk of the board, and the coupons shall be signed by the clerk alone. Said bonds shall be payable at any time before maturity, at the option of the board of trustees.

§ 2. Said bonds shall be sold by the board of trustees at not less than par, and the money arising from such sale shall be applied in paying off the present bonds of said town issued under an act approved May 1, 1880, entitled "An act to amend an act, entitled 'An act to amend the charter of Elizabethtown, and to authorize the board of trustees of Elizabethtown to issue bonds and fund the present bonded debt of said town,' " approved April 10, 1878.

§ 3. That all laws applicable to the bonds now existing against said town shall be applicable to the bonds to be issued under this act.

§ 4. This act shall take effect from its passage.

Approved May 3, 1888.

CHAPTER 1516.

AN ACT to amend an act, entitled "An act to incorporate the Mortonsville and Lexington Extension Turnpike Road Company," approved February 28, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Mortonsville and Lexington Extension Turnpike Company be authorized and empowered to erect a gate on said road, at such point as said board may elect, between the Versailles and Munday's Landing Turnpike Road Company and the Versailles and Nicholasville Turnpike Road Company, for the purpose of gathering

tolls; and said rate of toll per mile shall not exceed the rate allowed by law.

§ 2 This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1517.

AN ACT to incorporate the Catlettsburg Chamber of Commerce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. H. Carpenter, T. J. Sweaney, R. Bar-^{Incorporators.} tow, Albein Stein, D. D. Eastham, John McDyer, W. A. Patton, Ben Mann, H. H. Hogan, W. B. Andrews, C. Cecil, Jr., C. W. Sheritt, L. L. Everett, John G. Patton, G. C. Fisher, L. W. Patton, H. Krish, James W. Damron, T. R. Brown, A. C. Campbell, R. H. Prichard, L. T. Moore, A. Mims, C. W. Berger, Harlan Wellman, J. S. Patton, Wm. Smiley, M. V. Graham, Millard Cole, A. M. Crow, J. H. McConnell, N. H. Hogan, and their associates, are hereby created a body-politic and corporate, with perpetual succession, under the name of the "Catlettsburg Chamber of Commerce," and by that name may sue and be^{Corporate name.} sued, answer and defend, plead and be impleaded, in^{Corporate powers.} all the courts and places as a natural person; and may receive and hold property and effects, real and personal, by gift, devise and purchase, and invest or reinvest, or dispose of the same by sale, lease or otherwise, and improve the same; and may establish or promote a stock exchange, or any enterprise for the advancement of the general welfare of the said town; may have and use a common seal, and make such rules, regulations and by-laws as may advance the^{By-laws.} commercial, literary, artistic and scientific interest and character of the town of Catlettsburg, Kentucky, and rules and by-laws for its own government; may

fix and determine just rules and customs among its business community ; acquire, disseminate useful information connected with the objects and purposes connected herewith ; and avoid and adjust, as far as practicable, the controversies and misunderstandings which may arise between members of this corporation engaged in trade, when they have no acknowledged rules to guide them, such rules and regulations not to be contrary to the Constitution and laws of these United States or of the Commonwealth of Kentucky ; and its principal place of business shall be in Catlettsburg, Kentucky.

Capital stock. § 2. That the capital stock of said Catlettsburg "Chamber of Commerce" shall not exceed the sum of ten thousand dollars, and be divided into shares of five dollars each. The certificate of stock herein shall be signed by the president of said Chamber of Commerce, and countersigned thereof, and issued in the manner, terms and numbers prescribed by the board of directors.

Annual election directors. § 3. That said Catlettsburg Chamber of Commerce shall, on the third Monday of May in each year, hold an election for eleven directors, who shall hold their office until their successors are duly elected and qualified ; and in voting therefor each stockholder in said Catlettsburg Chamber of Commerce shall be entitled to one vote for each share of stock owned, said votes to be cast in person. Said directors shall elect a president and two vice-presidents, a secretary and treasurer of said Catlettsburg Chamber of Commerce, and fix the term of office and salary of the secretary and treasurer thereof, and employing such other agents for carrying out the object of said corporation as it may deem expedient. The president shall have power to call together the directors when, in his judgment, it seems necessary, and must so call upon the written request of five members of the directory, said request stating the object of said call. Said directors are hereby empowered to fix days of

Officers.

President's power, etc.

their regular meetings. The president or vice-presidents must, if possible, always attend the meetings of said directors.

§ 5. That for the purpose and object herein mentioned, there shall be levied a tax not exceeding ten cents upon each one hundred dollars of all property within the corporate limits of the town of Catlettsburg, taxable for corporate purposes under the charter of the town of Catlettsburg. The taxes aforementioned shall be sacredly devoted to the purposes and objects herein mentioned. The said Catlettsburg Chamber of Commerce has hereby the right of issuing bonds for the purposes and objects aforesaid, not to exceed the amount of the capital stock paid in, and a further sum equal to the taxes levied for any current year, and bonds not to run exceeding ten years; and said bonds are to be signed by the president, and countersigned by the secretary thereof; but said taxes shall not be assessed, levied and collected until, by a popular vote of a majority of the citizens of said town voting at an election to be hereinafter specified, and the right of said taxes shall be granted and confirmed by said town. The proposition shall stand "For or against" the Catlettsburg Chamber of Commerce, and shall be submitted to the vote of said citizens by an ordinance passed by the board of trustees of said town of Catlettsburg, in pursuance of a request, in writing, from the board of directors of the "Catlettsburg Chamber of Commerce;" but the ordinances fixing said elections shall be first published, as provided for the publication of the ordinances of said town; and when said taxes are collected, they shall be turned over by the officers so collecting to the said "Catlettsburg Chamber of Commerce," and the said officer so collecting shall be responsible for said taxes as he is now for the taxes of said town.

§ 6. This act shall take effect and be in full force from its passage.

Approved May 8, 1888.

CHAPTER 1518.

AN ACT to incorporate the Jessamine County Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. R. Sparks, G. W. Sandusky, W. A. Logan, J. A. Logan, J. W. Hayden, J. W. Carroll, Leslie Cleveland, S. C. Lyne, John Steele, J. D. Hughes, and John Turner and Wm. H. McCarty, and their associates, successors, assigns, be, and are hereby, constituted a body-politic and corporate, by the name of the Jessamine County Fair Company; and by that name shall have succession for twenty years, with power to sue and be sued in all courts of this Commonwealth; to contract and be contracted with; and shall have power to acquire, by purchase or otherwise, any quantity of land in said county of Jessamine, not exceeding fifty acres, and personal property not exceeding in value eight thousand dollars, and may hold and enjoy the same; they may have and use a common seal, which may be changed or altered at pleasure of the directors.

Corporators.

Corporate name.

Corporate powers.

§ 2. The capital stock of said company shall be divided into shares of ten dollars each, to be subscribed for and taken agreeable to such rules and regulations as the company may direct. Each and every one of the incorporators are hereby authorized to receive subscription of stock in said corporation, at any time or place they may think proper, until a sufficiency is subscribed, but not to exceed in the whole the sum of ten thousand dollars, which shall be paid in such calls as the board of directors may require; and all money or property belonging to said company shall be held by the board of directors in trust for the use and benefit of the company, and the net proceeds of the same distributed among the stockholders according to the amount held by each.

Capital stock.

Receive subscription stock.

Stock limited.

§ 3. The officers of said corporation shall consist of ^{Officers.} a president, vice-president, and five directors, to be chosen by the stockholders, voting by shares, either in person or by proxy, each share counting one vote, at their annual meeting on the third Saturday in May of each year. The officers elected shall hold their office for one year, or until their successors are elected and qualified. The board of directors shall ^{Secretary.} power to elect or appoint a secretary and treasurer, and such other officers as they may deem necessary, and to hold office during will of directors, and shall perform such duties as the board of directors shall prescribe. The said corporation may hold semi-annually, and at such times as they may deem best, fairs for the exhibition of stock, agricultural and mechanical implements and products, and such other articles as the board of directors may permit to be exhibited, and for the trials of speed of stock for trotting, running and pacing, and award such premiums as they deem best.

§ 4. The board of directors may rent or let their ^{Directors' duties.} property or grounds for any picnic, pleasure party, or any other lawful purpose, when they deem best or proper. The same law in regard to the sale of and drinking of spirituous liquors that now apply to churches and during religious services, now in force under General Statutes, shall apply to all their meetings held under this act.

§ 5. This act shall be in force from and after its passage.

Approved May 3, 1888.

CHAPTER 1519.

AN ACT for the benefit of Mahala J. Marshall, as executrix of J. B. Marshall, deceased.

WHEREAS, J. B. Marshall died a few days after taking out a merchant's license to sell liquor, and

therefore enjoyed for only a few days the privilege, for which he paid the State one hundred dollars; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant upon the State Treasurer in favor of Mahala J. Marshall, as executrix of J. B. Marshall, deceased, for the sum of (\$75) seventy-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved May 8, 1888.

CHAPTER 1520.

AN ACT for the benefit of the sureties of J. C. Halloway, late sheriff of Lyon county.

WHEREAS, J. C. Halloway was duly elected and acted as sheriff of Lyon county for the years 1877-8, and 1879-80; and whereas, said Halloway, as such sheriff, failed and defaulted for more than sixteen thousand dollars, and the sureties of said Halloway as such sheriff have been compelled to pay said sum; and whereas, it is represented and appears there is due to said Halloway as such sheriff uncollected taxes from the people and tax-payers of said county to the amount of about five thousand dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said sureties be, and they are hereby, authorized and empowered to appoint and designate, in writing, some one of said sureties, or such other person as they may deem proper, to collect for their benefit any and all uncollected taxes due to said J. C. Hal-

loway as aforesaid; such surety or person so named by them shall be appointed by the judge of the Lyon county court, which fact shall be noted upon the records of said court, and the person so appointed shall execute bond for the faithful performance of his duty as provided herein; and such person so appointed shall have all the powers and be subject to all penalties now prescribed by law of sheriffs of this Commonwealth in making similar collections; and all sums collected by such person so appointed under the provisions of this act shall be paid over to said sureties.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 8, 1888.

CHAPTER 1522.

AN ACT to amend the charter of the town of Lawrenceburg, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section forty of an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Lawrenceburg," approved March 2, 1878, be so amended that hereafter the police judge of said town shall hold only four terms of his court each year for the trial of civil cases, instead of twelve terms each year, as provided in said section; and that hereafter the terms of said court for the trial of civil cases shall be holden on the third Saturdays in March, June, September and December of each year, and may continue until the business of the court shall be completed.

§ 2. This act shall take effect from its passage.

Approved May 8, 1888.

CHAPTER 1523.

AN ACT to amend an act, entitled "An act to incorporate and establish a system of public schools in the town of Russellville," etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to amend an act to incorporate and establish a system of public schools in the town of Russellville, and within a radius of three miles of the court-house in said town, passed April 9, 1886, be so amended as to require the trustees of said school district, appointed in said act to which this is an amendment, to hold the election required to be holden under the twelfth section of said act, on or before the fifteenth of October, 1888; and if said election shall not be holden on or before said fifteenth of October, 1888, then the act to which this amendment is made is to be null and void, and no longer valid.

§ 2. This act to be in force from its passage.

Approved May 3, 1888.

CHAPTER 1524.

AN ACT to amend an act to re-incorporate and amend the laws of the town of Campbellsville, approved March 21, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Former act
amended.

§ 1. That the act, entitled "An act to re-incorporate and amend the laws for the town of Campbellsville, Taylor county," approved twenty-first day of March, one thousand eight hundred and eighty-eight, be, and the same is hereby, amended by striking out all that part of section 1 of said act following after the word Kentucky in said section, and all of section two, and inserting in lieu thereof the words: That the present members of the board of trustees of the town

of Campbellsville shall hold their offices until the end of the term for which they were elected, which expires on the second Monday in May, 1888, and that thereafter the board of trustees of said town shall be composed of six trustees. That on the second Monday in May, 1888, six trustees shall be elected by the qualified voters of said town; two of said trustees shall hold the office of trustee for the period of one year, two for the period of two years, and two for the period of three years from and after their election, and until their successors are duly elected and qualified. At the first meeting of the board, or as soon thereafter as practicable, said trustees shall determine by lot who of them shall hold the office of trustee for the respective periods above mentioned, and spread such determination on the record of their proceedings. That on the second Monday in May, 1889, and on the second Monday in May of each year thereafter, two trustees for said town shall be elected by said voters, who shall hold their office for the period of three years respectively from and after their election, and until their successors are duly elected and qualified. That elections to elect trustees shall be held in said town on the second Monday in May, 1888, and on the second Monday in May of each year thereafter, by the clerk of the board of trustees and two judges of said election to be appointed by the board of trustees. Said election shall be held at the court-house, or at such other place in said town as the board of trustees may direct, and at least ten days' previous notice of such election shall be given by said clerk by posting written or printed notices thereof at four public places in said town; and the persons receiving the highest number of duly qualified and legal votes at said election for the office of trustee shall be declared elected, and the town clerk shall issue certificates of election to them.

§ 2. Amend section forty-two by striking out the following words in the second line of said section,

after the word "in," down to and including the word October, in the third line of said section, and insert in lieu thereof the following words, to-wit: March, June, September and December in each year.

§ 3. Amend section fifty-one of said act by striking out the following: Beginning after the word receive, in first line of said section, down to and including the word trustees, in fifth line of said section, and insert in lieu thereof the following words: All the fees of his office, both civil and criminal cases, in said police court, and.

§ 4. That section forty-three of said act be so amended as to conform to section three of this act.

§ 5. This act to take effect and be in force from its passage.

Approved May 3, 1888.

CHAPTER 1526.

AN ACT to incorporate the Hartford Branch Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incorporators and corporate powers.

§ 1. That Henry D. McHenry, W. F. Gregory, James W. Ford, James A. Thomas, W. T. King, P. Ross, A. B. Baird, Jr., John E. Pendleton, T. L. Griffin, Sank Cox, Jesse Potter, M. H. Rhoads, G. J. Bean, Jas. F. Collins, John C. Riley, E. T. Williams, William Phipps, S. W. Anderson, E. Dudley Walker, Geo. H. Barnes, John Barnes, J. W. Baker and Thomas J. Smith, their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Hartford Branch Railroad Company, with perpetual succession; and by that name shall be capable of suing and being sued, pleading and being impleaded, in all courts of law and equity; and said corporation may adopt and

use a common seal, and change the same at pleasure ; and by said corporate name may contract and be contracted with.

§ 2. The capital stock of said company may be any Capital stock. amount, not exceeding one hundred and fifty thousand dollars, divided into shares of one hundred dollars each ; and such stock may be subscribed for, purchased, owned and controlled by individuals in and out of this State, railroad companies, and other corporations in Kentucky or elsewhere, and counties or precincts.

§ 3. The corporators named in the first section of First board of directors. this act, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said corporators, or a majority of them, shall meet at such times and place as they may designate, and from their own number, or from among such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may, in their judgment, be necessary ; they shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the business and affairs of the company, as may be necessary, and may alter or amend the same.

§ 4. The general office of the company shall be Location of office. located at Hartford, Kentucky : *Provided*, The board of directors may change the location thereof. The directors shall have power and authority to locate and establish branch offices or agencies at such other place or places as may, in their judgment, be found necessary.

§ 5. The incorporators, or first board of directors, Elections. shall provide in the by-laws for an annual election of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding election of directors. The directors succeed-

ing the first board shall severally hold office one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 6. At the election of directors, and all other meetings of stockholders of said company, stockholders shall be entitled to one vote for each share of stock held by them respectively, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and for such called meetings as may be necessary.

§ 7. The president and directors shall have the management and control of the property, business and affairs of the company; may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond, with surety, for the faithful performance of his duties.

§ 8. It shall be lawful for the president and directors of said company to open stock books for subscription to the capital stock, at such times and places as may be deemed necessary; and the capital stock of said company is hereby declared personal property; and may be issued, certified, transferred and registered, in such manner and at such places as may be ordered and provided by the by-laws of the company, and not inconsistent with the general laws of the State.

§ 9. It shall be lawful for said company to accept and receive contracts for donations to be due and payable when said road shall have been so completed that cars may run thereon; and said company shall keep a book in which shall be recorded a full registration of all donations and contracts for donations made to said company; and when the above conditions have been complied with by said company or its assigns, such contracts may be enforced in such courts and by such

proceedings as now provided by law for the enforcements of similar obligations.

§ 10. The said Hartford Branch Railroad Company are hereby authorized and empowered to locate, construct and complete a railroad, with such number of tracks and lines of telegraph as said corporation may desire and the public good require; and for that purpose shall be allowed to acquire title to a continuous line of sixty feet in width of land, with such additional ground as may be necessary for depot and switching purposes, from Hartford, Kentucky, to some point on the Newport News and Mississippi Valley road, formerly the Elizabethtown and Paducah Railroad, not further than eight miles from Hartford; and shall have the right to construct and furnish said railroad with all necessary side-tracks, switches, turn-outs, depots, stations, and all necessary buildings and structures for the convenient working of said railroad and carrying on its business, and with necessary rolling stock, implements and machinery, necessary for the proper prosecution of its business; and the said company shall have the right to operate and maintain the same, and for said purpose said company may, in its corporate capacity, purchase, acquire title to, hold, sell, convey and transfer all real, mixed and personal property said company may deem necessary to the carrying out the objects of this act.

Nature of business and route.

§ 11. Said corporation is hereby authorized to cause to be made by its agents, surveyors and engineers, such examinations and surveys of the different routes as are necessary to determine which is most suitable for the construction of said railroad; and it shall be lawful for said company to enter upon, take possession of, and use all such real estate as may be necessary for the construction, operation and maintenance of said railroad, its depots, side-tracks, water stations, coaling stations, engine-houses, machine shops, and other buildings and appendages necessary for the use

Surveys.

of said railroad ; and said corporation may also take and use any earth, timber, stone, gravel, or other material needed for the construction, maintenance and repairs of said railroad and its works and appendages ; and may, by its authorized agents, agree with the owners of the land, timber, stone, gravel, or other material, for the purchase of the whole or for the use and occupation of the real estate, the owners being competent to contract ; but if the owners, being competent, refuse to contract, or any of them are *femes covert*, minors, or *non compos*, or out of the county, application may be made by the company or its agents to the county court of the county in which such property is situated to have such property condemned, whereupon said court shall appoint three commissioners, who shall be residents of the county, who shall be sworn to fairly and impartially discharge their duty to the best of their skill and judgment, after which it shall be their duty to view the lands or material sought to be condemned, and fix the amount of compensation to which the owner or owners may be entitled, and to make out and return to the office of the county clerk of said county a report in writing, particularly describing the lands and materials valued, and the amount of damages if any, assessed. The clerk shall receive said report, and file the same in his office, and indorse the date of filing thereon ; and if the owner resides in the county, he shall forthwith issue a summons commanding him or her to appear and show cause, if any, why the report shall not be confirmed, which summons shall be forthwith placed in the hands of the sheriff, who shall proceed to execute the same as other summonses. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten days after service of the summons in the county, or twenty days after service in any other county of the State, it being understood that the county judge may act in all cases where the county

court is mentioned in this section. If the owner be a non-resident of Kentucky, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owners, who may file exceptions to the report at any time within sixty days from the date of his appointment; and upon exceptions being filed by the owner or his attorney, or by the company, the court shall forthwith order a jury to be empaneled to determine the question of compensation and damages, unless, for good cause shown, time be given for preparation. If no exceptions be filed, the report shall be confirmed. The commissioners and jury shall, in estimating damages, allow the full value of the land taken or condemned to the use of the company; but in estimating incidental or resulting damages to the residue of the lands of the owner, may take into consideration the advantages to accrue to the residue by reason of the building of the road. Said company shall not be delayed in the work of construction by proceedings prescribed in this section, but may, after first giving bond, with sufficient security, to pay such damages and costs as may be finally awarded, proceed with its construction, taking and using such land and material as it may require and be entitled to take under this charter.

§ 12. That said company shall have power to purchase and hold any other road in this State, upon such terms and conditions as may be agreed on, or may sell or lease said road to or consolidate itself with any other railroad company in or out of this State, on such terms and conditions as may be agreed on between it and the other company, so as to make a continuous line under one management from two certain termini; and may assume a new and suitable name, to be approved by the consolidating companies, and may lease and operate any railroad connecting with it, on such terms as may be agreed upon, and for that purpose full power is hereby given said company to execute all such contracts as may be necessary to carry into effect this section.

Purchase of
other roads.

Issue of bonds. § 13. Said company is hereby authorized to complete, equip, operate, and maintain said railroad, and to issue bonds at a rate of interest not exceeding six per cent. per annum, with such time to run as it may deem proper, and negotiate and dispose of the same, and may mortgage its corporate property and franchises to secure the same; but it shall not issue or dispose of a greater of bonds at their face value than twenty thousand dollars per mile of its contemplated road.

Subscriptions. § 14. That it shall be lawful for said company, by its officers and agents, to receive subscription to its capital stock, payable in real estate, situated in Kentucky, to take title therefor in fee-simple, and issue certificates of stock thereon; and the real estate thus acquired may be conveyed by said company as a natural person, and shall be sold and conveyed within five years from the completion of the road; and any land donated to said road shall revert to the donor, his heirs or assigns, if said road be not completed within five years from date of approval of this act.

Contracts. § 15. That said company may make contracts with any corporation or person for constructing or equipping said road, or any part of the same, and pay therefor, in whole or in part, in the stock, bonds or other property of said company.

Right of way. § 16. That it shall be lawful for the corporate authorities of any incorporated town or city into or through which said railroad may be located to grant to said company the right of way into or through said town or city to construct its said railroad on; such right of way to be made on such terms and conditions as may be agreed on between the company and the corporate authorities of such city or town; and if they can not agree, the company may have a right of way condemned as provided in section 12 of this act.

Rates. § 17. That the board of directors of said company shall have power to establish such rates of tolls for

the conveyance of persons and property on the said railroad as it may deem proper, but not to exceed the rates charged by similar roads for similar services.

§ 18. That the subscription of stock shall be paid Payment of sub-
scriptions. in such installments and at such times as may be directed by the directory of the company: *Provided*, Every call for such payment shall be duly published in some newspaper published in Ohio county for at least thirty days before the day fixed for payment.

§ 19. That the county court of Ohio county shall County subscrip-
tions. subscribe for stock in said railroad company, for and on behalf of Hartford voting precinct, in said county, upon the written application of the president and directors of said company and twenty freeholders resident in said precinct, stating their desire that the subscription shall be made and the number of shares they may wish said precinct to subscribe for, not exceeding two hundred and fifty shares in number and twenty-five thousand dollars in amount, and requesting that the question be submitted to the qualified voters of said election precinct.

§ 20. It shall be the duty of the county court, the Election. judge thereof alone presiding, to cause said application to be entered at length on the order book of his court; and, thereupon, to forthwith make an order, commanding the sheriff of the county, on a day to be named in said order, to open the polls at the usual place of voting in said precinct for State officers, and take the vote of the qualified voters of said precinct upon the question: "Shall the county court subscribe for and on behalf of Hartford precinct the number of shares named in said written application?" It shall be the duty of the county court, the judges and clerk of said election, as is now required by law in case of elections for State officers, and it shall be the duty of the sheriff of said county, either in person or by deputy, to superintend and hold said election as in case of elections for State officers; and on the failure of any officer appointed to hold said election to attend

and perform the duties required of him herein, those who so attend shall appoint and qualify others in place of those so failing or refusing. At least twenty days' notice of the time and place of holding shall be posted in writing or printed at the court-house door in Hartford, and at least three other public places in said precinct next before the day of election, and publication thereof shall also be made in at least two weekly editions of at least one newspaper published in Hartford, which notices shall be signed by the sheriff.

Poll-books. § 21. The poll-books shall be kept open as is now required by law, and shall be certified by the officers of the election, and returned to the office of the clerk of the Ohio county court on the day after the election.

Count of vote. § 22. It shall be the duty of the county judge, county clerk and sheriff of said county, on the day after the return of said books to the county clerk's office, as herein required, to count the votes for and against said subscription, and if a majority of the votes cast shall be in favor of the subscription of the stock, they shall make out and sign a written certificate to that effect, which shall be entered upon the order-book of said county court. In the absence of either of the above named officers, the duties enjoined in this section shall be performed by the other two.

Result of election. § 23. If a majority of all the votes cast at said election shall be in favor of said subscription of stock, it shall be the duty of the presiding judge of the Ohio county court, at the next regular term of said court, to subscribe for and on behalf of Hartford election precinct, in Ohio county, the number of shares of stock in the Hartford Branch Railroad Company recited in the written application mentioned in section 19 of this act.

Bonds of precinct § 24. It shall be the duty of the presiding judge of the Ohio county court to issue the bonds of said Hartford election precinct, payable to said railroad

company in twenty years, reserving the right to pay off said bonds at any time after three years, bearing six per cent. per annum interest, payable annually, for the amount of said subscription, which bonds shall be received by the directory of said company in satisfaction of said subscription. Said bonds shall be signed by said judge and countersigned by the county clerk, and shall have interest coupons attached, signed by the county clerk alone; shall be made payable at any place in Kentucky which the president and directors of said company may designate, and may be negotiated and transferred by the written indorsement of the president and secretary of said company thereon.

§ 25. It shall be the duty of the Ohio county court, Levy of tax. through its presiding judge, from time to time to provide for the payment of the interest on said bonds by the imposition and levy of an ad valorem tax upon all the real and personal estate (including the amount of each tax-payer's worth under the equalization law) within said election precinct subject to taxation for revenue purposes, as shown by the assessor's tax-book for said county. Said tax shall be collected by the sheriff or other tax collector for Ohio county, as other public dues are required to be collected, and under the same official responsibilities as are prescribed for collecting and accounting for the county levy tax, and shall be paid over by him to the treasurer of said company, to be applied by him to the payment of the interest on said bonds.

§ 26. It shall be the duty of the sheriff, or other Tax receipts. officer collecting said tax, to give to each tax-payer a receipt, specifying the amount paid and the time of payment.

§ 27. Whenever the amount of such receipts to any Certificates of stock. one person shall equal in the aggregate the sum of one hundred dollars, and shall be presented to the president and directors of said company, it shall be their duty to issue to the holder thereof a certificate

of stock equal to the amount of receipts surrendered, and the persons receiving said certificates shall thenceforth be stockholders in said company, and entitled to all the privileges of other stockholders. Said tax receipts shall be assignable.

Special tax. § 28. Said county court may, at any time, if deemed proper, impose a tax upon all real and personal property in said precinct, not exceeding fifty cents on each one hundred dollars' worth of property in any one year, and with which create a sinking fund for the extinguishment of the principal of said bonds, and may make all needful orders, rules and regulations, for that purpose and to accomplish that object; the amount so paid shall, in like manner, be treated as stock as provided in section 27 of this act.

Sinking fund commissioners. § 29. The judge and clerk of the Ohio county court, and the treasurer of said company, shall, *ex officio*, constitute a board of commissioners of the sinking fund, whose duty it shall be to faithfully manage the fund for the payment of said bonds as rapidly as possible.

Successor, alienee and vendee. § 30. That all proceedings hereby authorizing a subscription of stock to the Hartford Branch Railroad, and all proceedings herein provided for carrying into execution the same, may be had for the purpose of making the same subscription to the successor, alienee or vendee of the said Hartford Branch Railroad Company, should said company hereafter part with its claim to said road.

Time of payment of bonds. § 31. That none of said bonds shall be issued till said road is graded its entire length, when one-half the amount shall be issued and delivered as herein provided, and the remainder to be delivered when said road is completed and equipped with sufficient rolling stock.

Work when to be commenced. § 32. Work shall be commenced on said road within two years, and completed within five years from the passage of this act.

§ 33. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1527.

AN ACT to amend the charter of the town of Sandy Hook, in Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 11 of the act providing for the incorporation of the town of Sandy Hook, in Elliott county, approved April 13, 1888, be, and the same is hereby, amended by striking out the words "its passage," when they occur in said section, and inserting in lieu thereof the following words: "The first Saturday in March 1889," so that said section, as amended, shall read as follows:

§ 2. This act shall take effect from and after the first Saturday in March, 1889.

Approved May 4, 1888.

CHAPTER 1530.

AN ACT to amend the charter of the Louisville, St. Louis and Texas Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any city along the line of the Louisville, City subscription St. Louis and Texas Railway, or at the termini thereof, may subscribe to the capital stock of said company in such sum as may be approved by the electors of said city, at any special election to be held and ordered as hereinafter directed, on the condition that the said company shall locate, erect and maintain the principal machine-shops of said company within or near said city.

§ 2. Said company may through its president propose to the city council of any city along the line of said road to locate, erect and maintain its principal Manner of making city subscription.

machine-shops in or near said city, provided the said city will subscribe to the capital stock of the said railway company, and shall in said communication or application to the council fix the amount of stock which it is desired that the city shall subscribe for. Thereupon the said city council may, in their discretion, appoint a day, within six weeks from that date, not earlier than four weeks from the date of the application, upon which a special election shall be held, at which the electors of said city shall vote upon the question of whether or not the proposition of said railway company shall be accepted. And if a majority of those voting at that election shall vote in favor of said proposition, the mayor of said city shall, in the name of said city, subscribe to the capital stock of the said railway company, and deliver in payment therefor the bonds of said city, maturing not later than thirty years, nor earlier than ten years from the date of their execution, bearing interest from date at the rate of not exceeding six per cent. per annum, payable semi-annually, having coupons attached for the installments of interest. Before said bonds shall be delivered, the railway company shall enter into a covenant with said city, with security to be approved by the city council, that it will locate, build and maintain its principal machine shops in or near said city: *Provided*, No subscription to the capital stock of said railway company shall be made, or bonds issued in payment thereof, by the cities of Owensboro or Henderson, unless a majority of all the qualified voters entitled to vote in said cities, respectively, shall vote in favor of said subscription. The said city or town so issuing bonds shall have the option to redeem any or all the bonds which may be issued under the provisions of this act, at any time after five years from their issual. That neither the city council of the city of Henderson or the city of Owensboro shall have power, under the provisions of this act, to submit a proposition to the voters of either

of said cities to subscribe stock to said Louisville, St. Louis and Texas Railway Company, or issue bonds in payment thereof in an amount exceeding thirty thousand dollars.

§ 3. An annual tax sufficient to pay the semi-an-Tax. nual installments of interest on such bonds, and the principal when it shall become due, shall be collected and paid out by the officers of such city, as provided in case of other city taxes.

§ 4. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1532.

AN ACT to change the time of holding the Muhlenberg quarterly court. \

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Muhlenberg quarterly court shall be held on the second Monday of March, June, September and December of each year; each term to continue so long as the business thereof may require.

§ 2. This act shall take effect from the first day of May, 1888.

Approved May 4, 1888.

CHAPTER 1533.

AN ACT to authorize the county court of Muhlenberg county to levy an ad valorem tax of ten cents on each one hundred dollars' worth of property for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of paying the cost and Levy of tax. expenses incurred since July 20, 1885, by the county

of Muhlenberg, as plaintiff and defendant and as defendant and plaintiff, in various suits, both in the State and Federal courts, in regard to the legality and other questions concerning the bonded debt of Muhlenberg county, issued in aid of the Elizabethtown and Paducah Railroad, the judge of the Muhlenberg county court be, and he is hereby, authorized and empowered to, and he shall, levy for the years 1888 and 1889, by an order entered upon the order-book of said county court of Muhlenberg county, an ad valorem tax of ten cents on each one hundred dollars' worth of property in said county subject to taxation under the revenue laws of this State. The order of said county judge imposing said levy shall be sufficient, if it recite the rate of tax imposed, and the time for which it is imposed. Said tax, when collected, less the cost of collection and disbursement, shall be solely, exclusively and only applied as above stated, and balance thereof shall be applied to the payment: *Provided*, That should there be more money collected under the levy herein provided for than is necessary for the aforesaid purposes, such purpose shall be applied exclusively to the repairing or building of bridges over streams crossing the public roads of said county.

Duty of clerk.

§ 2. After said order making said levy shall have been made and entered of record, it shall be the duty of the clerk of the Muhlenberg county court to make out and deliver a certified copy thereof to the sheriff, or if there be no sheriff in said county, then to the collector of State revenue therein.

Tax receipts and
duty of collector.

§ 3. The sheriff, or if there be no sheriff for said county, then the collector of State revenue for said county, shall forthwith make out tax receipts in the usual form against such person or persons, firms, associations and corporations, as shall own property in said county subject to taxation under the revenue laws of this Commonwealth, for the purpose of ascertaining the property, and value thereof, owned by

each person, firm, association and corporation subject to said ten cents tax. The sheriff, or if there be no sheriff, the collector, in making out said tax receipts and collecting said taxes, shall be governed by the assessor's books for said county immediately preceding the year for which the tax is to be collected, as to all property required by the revenue laws of this Commonwealth, to be listed with the assessor for State taxation; and as to such property in said county subject to taxation by virtue hereof, not authorized to be assessed by the county assessor of said county, said sheriff or collector, as the case may be, having in charge the collection of said tax, shall call upon the Auditor of Public Accounts for this Commonwealth for a written statement showing the amount and value of all property situated in said county of Muhlenberg listed with the said Auditor; and it is hereby made the duty of said Auditor to furnish said information upon such call without delay. Within sixty days from the time of the delivery of the said order of levy to him, the sheriff or collector, as the case may be, shall proceed to the collection of the tax levied by said order for the year 1888, and likewise by the first of April, 1889; said sheriff or collector, as the case may be, shall proceed to collect the tax levied by said order for the year 1889, and in the collection thereof he shall and exercise the same powers and remedies to coerce the payment of said taxes as is now conferred upon him in the collection of the State revenue, by the laws of this Commonwealth; and he and his sureties shall likewise be responsible upon his official bond for the payment to the commissioner, hereinafter provided for, of all moneys collected under the levy herein named, except his commission, which shall be the same as is allowed him for collecting the State revenue. Said sheriff or collector, as the case may be, shall, at the end of sixty days from the time he commences the collection of said taxes, and every sixty days thereafter, pay over to the commissioner, herein provided

for, all moneys collected by him on said taxes prior to said respective dates ; and at the end of twelve months from the time he begins the collection of said taxes for each year, respectively, he shall make a full and final settlement of his accounts, as collector of said taxes, with the county judge, which shall be in writing, and placed on the docket of the county court and remain there for thirty days, subject to exceptions for any error ; and if no exceptions be filed within thirty days, said settlement shall be confirmed at the next term of said court thereafter, and shall be duly recorded in the record-book in Muhlenberg county court. At the time he makes said settlement with the county judge, said sheriff or collector shall pay over to the commissioner hereinafter named any balance of said taxes for that year shown by said settlement to be in his hands ; and for a failure of said collecting officer to pay over said taxes collected, or make said settlement as herein required, he shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one thousand dollars ; and he and his sureties shall also be responsible for all moneys collected by him and not accounted for, with interest thereon, which may be recovered in any of the courts of this Commonwealth having jurisdiction.

Commissioner
and his duties.

§ 4. That Jacob H. Gish is hereby appointed a commissioner to receive and distribute the moneys arising from the levy of the aforesaid tax ; but before said Gish shall exercise any of the duties or powers herein conferred upon or required of him, he shall take an oath to faithfully perform the duties required of him as commissioner, and execute a bond, with approved security, to the Commonwealth of Kentucky, for the use and benefit of those concerned, for the faithful performance of his duties, and the prompt payment to the parties entitled of the moneys coming to his hands. There shall be at least two sureties on said bond, and in the aggregate worth double the sum that

will probably come to his hands, and which bond shall be approved and attested by the county judge of said county, and filed with the county court clerk for safe-keeping. It shall be the duty of said commissioner to receive and receipt for all moneys collected by the officer having in charge the collection of said taxes, and to keep a record-book, in which he shall make a faithful record of the date, from whom, and the amount of each payment made by him as commissioner aforesaid out of said money ; and said record-book shall at all times be open to the inspection of the county judge, and all other taxes-payers under the levy herein provided for. Said commissioner shall, as soon as he qualifies and executes bond as aforesaid, if practicable, notify all persons to whom any of the unpaid cost and expenses intended to be paid by the money raised hereunder is due, to prove their claims in manner and form as claims against decedent's estates are required by law to be proven, and file them with said commissioner ; and said commissioner shall make a distribution of the money in his hands as commissioner, among the owners of any of the claims mentioned and described in the first section of this act as Muhlenberg county's own proper cost and expenses incurred in the action therein named and none other, provided said claims, debts or demands shall have been properly proven in manner and form as claims against decedent's estates are required to be proved : *Provided further*, That if there is, or shall be, any of the money arising from the above tax left after fully paying off the claims mentioned immediately above, such surplus shall be expended by the county judge on repairing or building a bridge or bridges over water-courses crossing any public road or roads in said county, and such surplus shall be paid out by said commissioner to the person entitled thereto on the proper voucher from the county judge.

§ 5. Said commissioner shall take from each person to whom he makes payment of any money under this

Settlement of
commissioner.

act a proper receipt, in writing, and keep them on file in his office, and on or before the first of January, 1891, make a full and complete settlement of his accounts with the county judge of Muhlenberg county, which settlement shall be in writing, and shall be placed on the docket of the Muhlenberg county court, and there remain for thirty days, subject to exceptions for any error; and if no exceptions be filed within that time, said settlement shall be confirmed at the next regular term of said court. Said commissioner shall, at the time he makes said settlement with the county judge, turn over to the clerk of said county court his record-book, receipts, and all papers in his office, to be safely kept by said clerk as other records of said office. If said commissioner fails or refuses to make any of the disbursements or the settlements he is required by this act to make for ten days after the time he is required herein to make such disbursements or settlements, he shall be deemed guilty of a high misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than one thousand dollars.

Clerk to commissioner.

§ 6. Said commissioner shall be allowed to appoint a clerk to keep his books: *Provided*, That before said appointment shall take effect, it shall be approved by an order of the Muhlenberg county court, made and entered of record by the county judge of said county: *And provided further*, Before said clerk shall act he shall take an oath before the county court clerk to faithfully perform his duties as clerk of said commissioner; and said clerk shall not receive or disburse any of said county.

Pay of commissioner.

§ 7. Said commissioner, if he have no clerk, shall receive five per centum on the amount distributed by him; but if he have a clerk, then said commissioner shall receive three per centum on the amount distributed by him, and the clerk shall receive two per centum on the amount distributed by said commissioner; in either event, said per centum to be in full of all

compensation to said commissioner or to said commissioner and his clerk ; and said per centum due on each disbursement shall be deducted by said commissioner before such disbursement is made.

§ 8. If, from any cause, the commissioner heretofore named herein shall fail or refuse to qualify and execute bond as herein required as such commissioner, the judge of the Muhlenberg county court is hereby authorized and directed to appoint some suitable citizen, voter of said county, to act as said commissioner ; and in case of a vacancy in said position of commissioner, from any cause, said county judge shall appoint some suitable citizen, voter of said county, to fill the vacancy.

If commissioner refuse to act.

§ 9. The penalties prescribed in this act shall be recovered upon an indictment by the grand jury against the offender.

Penalties, how recovered.

§ 10. The holders of the claims set out in section 1 hereof shall have an exclusive lien upon said taxes, and funds accruing therefrom, and the same shall not be subject to any legal or equitable process sued out by a creditor to subject it to any other claim or demand than those mentioned in section 1 of this act ; and no part of said fund shall, in any manner, be subjected to the payment of any judgment against said county or any of its citizens.

Liens.

§ 11. All acts or parts of acts in conflict herewith are hereby repealed.

§ 12. Any person injured by the failure or refusal of said collecting officer or commissioner to promptly discharge the duties required of them respectively herein, may, by an action in the circuit court of said county against such officers or commissioner, and his sureties on his bond, recover on said bond such damages as he shall have sustained by such failure or refusal: *Provided, however,* That this act shall not go into effect until it is first submitted to the qualified voters of Muhlenberg county in the manner herein

Penalty for failure of officers to do their duty.

provided. That a poll shall be opened at each voting precinct in Muhlenberg county, on the first Saturday in June, Anno Domini 1888, at which each person, qualified and entitled to vote for members of the General Assembly, shall be entitled to vote, and the question shall be voted on. Each voter shall be asked by one of the judges of said election: "Are you for or against the ten cents ad valorem tax?" Said election shall be conducted and the polls compared and the result certified by the same officers, and in the same manner as in election of county officers as now provided by law. If it should appear from the certificate of said officers comparing polls that a majority of the votes cast at said election was in favor of said ten cents tax, then the presiding judge of the Muhlenberg county court shall make the levy as provided by this act, and for failure to do so he shall be liable as herein provided; and should said officers fail or refuse to compare the polls and certify the correct result of said election, then the same remedies shall be had against them that are now provided by law against such officers for failure to perform their duty.

§ 13. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1535.

AN ACT to amend an act, entitled "An act to provide for the election and in part to define the duties of a mayor, board of councilmen and school trustees of the city of Frankfort, and to provide for the establishment of a board of commissioners to control the police and fire departments thereof, and to define their duties," approved April 30, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of the act to which this is an amendment be amended to read as follows, namely:

“An act to amend the charter of the city of Frankfort so as to provide for the election, and in part to define the duties of a mayor, board of councilmen and school trustees of the city of Frankfort, and to provide for the establishment of a board of commissioners to control the police and fire departments thereof, and to define their duties.”

§ 2. In addition to the qualifications required in sections 1 and 4, the said voters for mayor, board of councilmen and school trustees shall be registered as provided in said act to which this act is an amendment.

§ 3: Amend section 9 of said act by striking out the word “four” after the word “appoint,” and before the word “sober,” and insert in lieu thereof the word “three.”

§ 4. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1536.

AN ACT to amend an act, entitled “An act to provide against dangers from carbon and petroleum oils, and to provide for the gauging of oils, naphtha and turpentine,” approved May 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order that there may be no discrimination in favor of dealers, importers or manufacturers of illuminating oils within this Commonwealth, that an act, entitled “An act to provide against the dangers from carbon and petroleum oils, and to provide for gauging of oils, naphtha and turpentine,” approved May 15, 1886, be, and the same is hereby, amended as follows: By striking out the eighth (8) section of said act, and inserting and enacting in lieu thereof the following, to-wit: Section eight (8). As full compensation for his services, the inspector shall be en-

Compensation of
inspector.

titled to charge and receive from the owner of any oil inspected, or from the person having it in charge, ten cents per barrel for each barrel of fifty (50) gallons, without deduction or difference in fee, whether the oil be contained in barrels, tanks or other package.

Duty of Inspector § 2. That it shall be the duty of the inspector to make the tests and inspection by his own hands or deputy, and no inspection or branding shall be done for him, or by any other person in his name, except by his deputy. When any lot of oils is contained in more than one tank, barrel or package, it shall be his duty to make a separate test and inspection of each tank, barrel or package, and to brand each separate barrel or package in which said oils may be contained, or into which it may be drawn, when inspected in tanks, with the proper brand, in accordance with the provisions of the act to which this is an amendment; and no inspector shall lend or hire his brand, or suffer or permit the same to be affixed, either by himself or another, upon any barrel or other package of oil which he has not actually tested in strict conformity to the directions of the act to which this is an amendment; and any violation of the provisions of this section by any inspector shall subject the offender, upon conviction, to a fine of not less than fifty (\$50) dollars and not exceeding two hundred and fifty (\$250) dollars, and any failure to inspect, or violation of the requirements of this section as to testing and branding, shall be deemed a separate offense.

§ 3. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1538.

AN ACT for benefit of William Coleman, sheriff of Caldwell county

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William Coleman, sheriff of Caldwell county, is allowed the further time of thirty days, from and after the passage of this act, to execute bond for collection of tax levied under provisions of an act, entitled "An act for the benefit of Caldwell county," approved February 20, 1878, and amendments thereto; and to execute his bond for the collection of the county levy of said county. And such bonds when so executed shall be as valid and binding in all respects as if executed within the proper time. And said Coleman is relieved of any and all forfeiture, if any, consequent upon failure to execute said bonds within time prescribed by law.

§ 2. This act shall be in force from its passage.

Approved May 4, 1888.

CHAPTER 1539.

AN ACT to amend an act to provide for the reorganization, maintenance and supervising of common schools in the town of Louisa and vicinity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundary line of said school district be changed so as to read as follows: After leaving James Shannon's line, on the middle county road; thence down Burgess branch to Lick creek, so as to exclude J. M. Clayton.

§ 2. This act shall take effect and be in force from its passage.

Approved May 4, 1888.

CHAPTER 1540.

AN ACT to confirm and legalize the lease of so much of the old Covington and Lexington Turnpike Road as lies in Grant county.

Preamble.

WHEREAS, The county court of Grant county did, on the 10th day of January, 1887, lease the reconstruction, repair and operation of the old Covington and Lexington Turnpike Road to W. T. Clark, of said county; and whereas, the said W. T. Clark, as party of the first part, and the Grant county court, as party of the second part, entered into a written agreement, now of record on order-book No. M of the Grant county court, in which the terms, conditions, specifications and limitations of said contract are set out; and whereas, said Clark, working under said contract and lease, is repairing, reconstructing and operating said road; and whereas, some doubt has arisen as to the power and authority of the said county court of Grant county to lease the reconstruction, repair and operation of said road; therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Powers of county court.

§ 1. That the county court of Grant county is hereby invested with the power and authority to lease the construction, repair and operation of so much of the old Covington and Lexington Turnpike Road as lies in Grant county, for such time, and upon such terms and conditions and limitations, as they in their discretion may deem best.

§ 2. For the purpose of leasing said road, the said county court is hereby invested with all the property therein, and with all the rights, powers and franchises in and over said road, as other incorporated turnpike companies operating turnpike roads in said counties have.

§ 3. That the contract of lease made and entered into for the rebuilding, repairing and operating said

road by W. T. Clark, party of the first part, and the county court of Grant county, party of the second part, made and entered into the 10th day of January, 1887, is hereby ratified, confirmed and made legal and binding upon the parties thereto.

§ 4. That this act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1544.

AN ACT to incorporate The Western Argus Printing and Publishing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created and incorporated Corporate name. a corporation, to be known and styled The Western Argus Printing and Publishing Company. Said corporation shall be a body-politic and corporate, with power to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places.

§ 2. The capital stock of said corporation shall be Capital stock. fifteen thousand dollars, divided into shares of fifty Shares. dollars each, which shall be paid in such manner and at such times as the by-laws of said corporation may require.

§ 3. The object of said corporation shall be the Corporate powers and objects. printing and publishing of a newspaper, either of weekly, daily, tri-weekly or semi-weekly issues, and the erection of such buildings and machinery, and the purchase and ownership of such property as may be necessary in the execution of such printing and binding as may be intrusted to said corporation.

§ 4. The newspaper issued by said corporation is Legally authorized newspaper. hereby declared to be a legally authorized newspaper for all intents and purposes; and all advertisements or notices required by law to be published in any

Legal advertise-
ments for Frank-
fort and Franklin
county must be
inserted.

newspaper in the county of Franklin, or city of Frankfort, shall be inserted in said newspaper issued by said corporation herein created. The affidavit of the manager or president of said corporation attached to any notice or advertisement, stating that said advertisement or notice was published in said paper, shall be received in all courts as evidence that said publication was so made.

Corporate name.

§ 5. The name of said newspaper issued under the provisions of this act shall be known and styled "The Western Argus," and shall be published in the city of Frankfort, where the office of the corporation shall be located.

Books open.

§ 6. As soon after the passage of this act as may be convenient, books of subscription of stock may be opened in the city of Frankfort for subscribers to the stock of said company; and when the sum of two thousand dollars is subscribed, said corporation shall

May organize.

organize by the election of a president and secretary and three directors. The secretary shall also perform the duties of treasurer. The books of subscription shall be opened by Pat McDonald, in the city of Frankfort. When the amount of two thousand dollars is subscribed said corporation may commence business.

When commence
business.

May consolidate
with any other
newspaper com-
pany.

§ 7. Said corporation may consolidate with any other newspaper in the State, and may change the name of the same if deemed advisable; but no such change shall be made until at least four weeks' notice has been given by advertisement in a newspaper published in the city of Frankfort.

Private property
exempt.

§ 8. The private property of the stockholders shall be exempt from any liability of the corporation.

§ 9. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1548.

AN ACT for the benefit of the Monterey and Cedar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Monterey and Cedar Creek Turnpike Company, of Owen county, and the lessees thereof, be, and they are hereby, authorized and empowered to erect, maintain and operate a toll-gate on the said turnpike road, between Monterey and the Kentucky river, and collect tolls on said piece of road, charging for travel on same, and collecting tolls on same as and for one mile, said distance being about seven-eighths of a mile.

§ 2. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1549.

AN ACT for the benefit of the jailer of Trigg county, allowing him one dollar per day while guarding prisoners working out their fines, as now provided by law, on streets, public buildings and public roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the jailer of the county of Trigg be, and is hereby, allowed one dollar per day for guarding prisoners while they are paying fines, as now provided by law, in working on streets, public buildings and public roads in said county, to be paid out of the county levy and allowed by the court of claims of said county.

§ 2. Should the said jailer, through negligence or inattention, allow prisoner or prisoners to make their

escape from his custody, he will not be entitled to any compensation under this act.

§ 3. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1550.

AN ACT for the benefit of Josephine D. Stephens, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Josephine D. Stephens, wife of A. B. Stephens, of Warren county, be, and she is hereby, empowered to use, enjoy, sell and convey, for her own benefit, any property she may own or acquire, free from the claims or debts of her husband ; and to make contracts, sue and be sued, as a single woman, to trade in her own name, and dispose of her property by deed or will ; but in all cases her property shall be liable for her individual debts, contracts and liabilities.

§ 2. This act to take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1551.

AN ACT for the benefit of the Hamilton Magisterial District, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That before any person can maintain an action for trespass and damages in said district for stock trespassing on him, he must cause to be erected a good strong fence, four feet high, of material commonly

used for such purposes. Said fence to be erected on all the public roads and water-courses not fenced across, and the outside fences, not division or partnership fences, and that stock be allowed to run out. All laws and parts of laws in conflict with this act are hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1552.

AN ACT to amend the charter of the Jefferson Southern Pond Draining Company.

WHEREAS, The General Assembly of the Commonwealth of Kentucky has heretofore authorized the Jefferson Southern Pond Draining Company to borrow money for the purposes of said company, and provided for the levying, assessing and collecting of taxes for the payment of said indebtedness; and whereas, said company has borrowed money in accordance with said authority and used the same for the purposes of said company in benefiting the lands within its boundary and improving the health of the whole tract of land within said boundary by draining, clearing, ditching and working upon said tract, whereby all the lands within said boundary, and the public health, have been greatly benefited; and whereas, it is desirable to extend and continue said sanitary and drainage system, and necessary to pay and discharge said indebtedness; and whereas, the present rate of taxes has been found wholly insufficient to pay off and discharge said indebtedness incurred as aforesaid, and to extend said system of draining, and keeping the same in working order and condition; now, in order to provide means for carrying out said several objects, Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendments to
charter. § 1. That the charter of the Jefferson Southern Pond Draining Company, and acts amendatory thereto, be, and are hereby, amended, the provisions thereof, however, being expressly continued in force, except that the subject-matters expressly and fully provided for herein are to be governed by this amendment; that an annual tax for ten years is hereby levied upon the lands within said boundary, to be assessed, rated, charged, fixed and apportioned in proportion to the benefits conferred and to result from the drainage and work of said company, to wit: A tax of forty cents per acre upon the land which has received and will receive the greatest benefits conferred and to result, and a lesser sum upon lands in lesser degree benefited in proportion to benefits conferred and to result. The maximum of tax is fixed at forty cents, and the minimum at ten cents per acre.

§ 2. The Jefferson county court shall, upon the petition, in writing, of the owners of more than one-half of all the lands within its boundary, signed by themselves or agents, their guardians or personal representatives, appoint a board of commissioners, consisting of three land-owners, resident in Jefferson county, and not interested in the Jefferson Southern Pond Draining Company, nor owning any lands within its boundary, and each over twenty-five (25) years of age.

§ 3. The said commissioners shall, as of the first day of July, 1888, rate, assess, apportion, charge and fix upon the lands within the boundary of said company a tax of not more than forty cents nor less than ten cents per acre for each of said ten years, in proportion to benefits conferred and to result, fixing the rate at such an amount per acre as shall be fair and just in each case, and report their assessment and apportionment in writing to the Louisville chancery

court, and said report shall be filed with the clerk of said court. Said assessment and apportionment is one assessment and apportionment, and when once made is to be for said ten years and for each year thereof, and an annual assessment and apportionment is hereby dispensed with. The commissioners, in making their assessment and apportionment, as herein above provided, shall enter in said assessment, the names of all persons who, at the time of the assessment are the owners or holders of lands liable to be assessed under the provisions of this act, and opposite the names of such persons or owner, or holder, the separate tract or tracts so owned or held, the number of acres as near as practicable, the name of the nearest resident thereto, the rate of taxation per acre, and the aggregate tax upon each tract or parcel of land for each of the said ten years; but no error or informality in the assessment or in the description or location of the property, or in the name of the owner or party assessed, shall invalidate the assessment, if the property can, with reasonable certainty, be located from the description given; nor shall any irregularity or informality in the execution of their duties as commissioners, nor any failure of duty on their part, render any assessment invalid.

§ 4. Said board of commissioners shall thereupon cause to be published in one English and one German daily newspaper, printed and published in Jefferson county, by insertions made in each of said newspapers, once a week for three (3) successive weeks, a notice substantially as follows:

*“The Jefferson Southern Pond Draining Company’s
Tax Notice.*

“All land-owners and holders of lands within the boundary of the Jefferson Southern Pond Draining Company, and all persons having an interest in any of said lands, are hereby notified that the board of commissioners appointed by the Jefferson county

court, under and by virtue of the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled 'An act to amend the charter of the Jefferson Southern Pond Draining Company, approved ———, 1888.' have reported an assessment and apportionment upon said lands; and said report was, on the — day of ———, 188— (insert date), filed with the clerk of the Louisville chancery court. All persons who have complaints to make of excessive or unjust assessment or apportionments, are required to file such complaints in writing with said clerk within thirty (30) days from and after the filing of said report. As soon as practicable after the expiration of said thirty days, the said clerk will set the same to a day for hearing before said court.

"Signed (insert name).

"Signed (insert name).

"Signed (insert name).

"Board of Commissioners."

The said board of commissioners shall also cause printed or written copies of said notice in the German and English languages to be posted up at the following six prominent places within said boundary, within seven (7) days from and after the filing of said report in said clerk's office, to wit: 1. At Old Deposit, near the station. 2. Sanders' blacksmith shop. 3. On the Preston street road, near Meyer's stable. 4. At W. B. Caldwell's gate, on Ash Bottom road. 5. At the bridge near Brown Alston's land. 6. At the bridge over ditch, on the Third street road.

§ 5. Within thirty days from the filing of the report of the assessment and apportionment aforesaid, any person who thinks that his lands, or those in which he has a legal or equitable interest, have been unjustly or excessively assessed, may file with the said clerk his complaint, in writing, specifying the land and alleged excess or injustice; and the Jefferson Southern Pond Draining Company, or any owner

of lands within its boundary, or any person interested therein, who thinks that the assessment or apportionment of any of the lands within the boundary has been fixed too low, may, within said time, file a complaint, in writing, with said clerk, specifying the parcel of land and alleged deficiency or partiality. The clerk of the Louisville chancery court shall assign the hearing of the complaints to the report of assessment and apportionment to as early a day as convenient to the said chancery court, at which the Jefferson Southern Pond Draining Company and other complainants may be heard ; and the court shall summarily or otherwise, with the power to receive evidence, if necessary, orally or in writing, pass upon the justice and fairness of said complaint or complaints, and shall approve, reduce or increase the assessment and apportionment according to the justice of the case and according to law, within the limits fixed by this act. As to those lands, to the assessment of which no complaints have been filed within the time allowed by this act, the court shall confirm and approve the report. When all complaints shall have been determined, the court shall order the report as a whole, as thus amended (if necessary to be amended), approved and confirmed, and the assessments and apportionments shall be deemed conclusive and binding upon all parties. Said court shall have power to correct any error in said report, or, if necessary, recommit said report, or any portion thereof, to the board of commissioners, provided its action is had before confirmation thereof. No appeal shall be allowed from the judgment of said court confirming said report.

§ 6. Before entering upon the duties of their office, the board of commissioners shall each take the following oath before the clerk of the Jefferson county court, viz: "I, ———, do solemnly swear that I will faithfully perform the duties of commissioner to assess, apportion and rate taxes under the provisions

of an act of the General Assembly of the Commonwealth of Kentucky, entitled 'An act to amend the charter of the Jefferson Southern Pond Draining Company,' approved 1888; that I will impartially perform the duties of said office, and that I am in no way interested in said company, nor holder or owner of any lands within its boundary, and that I am a land-owner and resident of Jefferson county, State of Kentucky, and over twenty-five years of age." Any vacancy arising among said commissioners by death, resignation or otherwise, shall be filled by the Jefferson county court; but the failure of said court to appoint a person to fill said vacancy shall not invalidate the proceedings of said board of commissioners or prevent it from acting. Two members of said board shall constitute a quorum, and may perform its duties under this act, notwithstanding that the third member's place be vacant or he fail to act.

§ 7. The Louisville chancery court may cause proof to be taken upon the subject as to whether the notices required by section 4 of this act were given by the board of commissioners according to the provisions of this act, and may, in its final judgment confirming said report, determine this fact, and any other fact necessary to establish a binding assessment and apportionment as herein provided; and may cause an order to be entered on its records to the effect that all such steps have been properly taken, which order shall be *prima facie* evidence of the facts therein recited, and conclusive upon all parties thereto.

§ 8. The taxes herein provided shall be assessed as of the first day of July, 1888, and shall be payable to the Jefferson Southern Pond Draining Company on or after the first day of October of the year for which assessed, and shall become due on the first day of December thereafter, beginning with the year 1888, and so on for each of the said ten years for which levied and assessed as aforesaid. On all taxes paid during the month of October preceding maturity

thereof there shall be a discount of three (3) per cent. ; on all taxes paid during the month of November, there shall be a discount of two (2) per cent. After the first day of January succeeding maturity thereof, all unpaid taxes shall bear interest at the rate of one-half per cent. ($\frac{1}{2}$) a month, or fraction thereof, until paid. Said company shall keep an office in the city of Louisville, where taxes shall be payable. The present office is fixed at the office of Willson & Thum, No. 516, West Jefferson street, Louisville, Kentucky. Any subsequent change or changes of its office shall be advertised for six consecutive days in a daily newspaper published in Louisville, and within sixty days after said change the president or treasurer of said company may accept payment of taxes elsewhere than at said office, and give receipt therefor.

§ 9. And said corporation shall have a lien for all taxes upon the lands assessed, and upon all personal property of the owner or owners thereof found upon the premises not exempt from execution, attachment or distraint, which lien shall not be defeated by gift, devise, sales, alienation, or any means whatever: *Provided*, That the lien herein provided for shall not continue for longer than six years before suit brought or proceeding had, as hereinafter provided. Said lien is to take effect as of the first day of July, 1888.

§ 10. After the action of the said Louisville chancery court upon said assessment and apportionment, the clerk thereof shall certify a copy of said assessment and apportionment to the clerk of the Jefferson county court, who shall record the same in his office, together with a map showing the boundary of said corporation, and said record shall be notice to creditors and purchasers, and to all the world, of the said taxes, and any interest and cost thereon, and of the lien herein retained upon the aforesaid lands; and

when any tax has been paid, it shall be the duty of the president or treasurer of said company to enter the word "paid" upon the record in said office in the proper column, or to enter the amount so paid. The said taxes are to be used by said company for the purposes thereof, as set out in the preamble of this act.

§ 11. After the first day of December of any year for which taxes may be due, the Jefferson Southern Pond Draining Company may file in the Louisville chancery court, in said proceeding in which said report had already been confirmed, the affidavit of its president, or of other officer, stating that the taxes are due upon a certain tract of land and the amount thereof, and giving a sufficient description of said land, together with the names of the owner or owners or holders, and alleging that said land is included in the assessment and apportionment aforesaid, whereupon it shall be the duty of said court to cause a rule to be issued against said owner or owners, or holders, to show cause, if any they have or can, why he or they should not be compelled to pay said tax; and such proceedings shall be had as upon rules issuing from the Louisville chancery court; and the said court may render a personal judgment for said tax, interest, and costs against the person owing the tax, and may render a judgment enforcing the lien for taxes, and ordering a sale of the property described in said affidavit, and payment of said taxes, interest and costs, out of the proceeds. Costs shall be paid by the losing party.

§ 12. The taxes provided for in this act shall be collectible either by rule as aforesaid or by action, equitable or ordinary, or by either of said remedies, except that both proceedings shall not be pending at the same time. Suits for taxes shall be in the name of the Jefferson Southern Pond Draining Company; and said suitor shall have all the rights of other suitors in courts of law and equity; may obtain a personal

judgment against the person or persons to whom the land assessed and taxed as aforesaid belongs for the amount of said tax, with interest and costs, as well as the enforcement of the lien herein given; and said company shall have all the rights and privileges secured to litigants by the Constitution and laws of the Commonwealth of Kentucky.

§ 13. The equitable actions herein authorized and the judgments and subsequent proceedings therein (except as herein provided), shall be conducted in all respects like suits upon liens arising out of contracts, and the Louisville chancery court and Louisville law ~~and equity court~~ shall have jurisdiction of all amounts of ten (\$10) dollars and over, exclusive of interest; the taxes due for earlier and later years may be included in the petition and in the judgment. Suit for taxes against different persons owing taxes may be joined in one action, and all persons interested in the questions raised in the pleadings, or having or claiming an interest in the land sought to be sold, may be joined as plaintiffs or defendants, and the proof in said action may be read for and against all parties who are properly brought before the court.

§ 14. The commissioners hereinabove mentioned shall be compensated out of the treasury of the Jefferson Southern Pond Draining Company, at a rate not exceeding three (\$3) dollars to each for each day's service. For copying and certifying the assessment and apportionment herein above mentioned, the clerk of the Louisville chancery court shall be entitled to compensation, to be paid by the Jefferson Southern Pond Draining Company, at a rate not exceeding five cents (5 cts.) for each separate parcel of land therein assessed; and the clerk of the Jefferson county court shall be entitled to the same fees for recording the same in his office. That the board of directors of the Southern Pond Draining Company shall, annually, in the month of January, file with the clerk of the Jefferson county court a detailed

statement of all money received (and from whom) by said board and expended by them under the provisions of this act.

§ 15. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1553.

AN ACT to repeal an act, entitled "An act to repeal section 4 of an act to amend an act, entitled 'An act amending and reducing into one the several acts relating to the town of Scottsville,' " approved February 28, 1860, and the amendments thereto, which act was approved 2d April, 1884, and to re-enact and amend said section 4.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved May 7, 1886, entitled "An act to repeal section 4 of an act to amend an act, entitled 'An act amending and reducing into one the several acts relating to the town of Scottsville,' " approved February 28, 1860, and the amendments thereto, which act was approved April 2, 1884, the act designated as "chapter 968," in volume 2 of the published acts of 1885 and 1886, be, and the same is hereby, repealed; and the said section 4 and the amendments to said section are hereby re-enacted.

§ 2. That the said section 4 herein re-enacted be, and the same is hereby, amended by striking out the word "twenty-five," wherever it occurs in said section, and inserting in lieu thereof the word "fifty."

§ 3. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1554.

AN ACT for the benefit of the county roads leading from East Bernstadt, Laurel county, to Booneville, and from Mrs. Jesse Bowling's, on said Booneville road, to Manchester.

WHEREAS, The said roads are extensively traveled and much freight is hauled over same; and whereas, said roads are now in a very bad condition, and the work of the malicia on same insufficient to put them in a condition to meet the wants of the traveling public, and render them safe for wagons and other vehicles to pass over; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Laurel county be, and they are hereby, authorized to erect a toll-gate across said road at or near the residence of William H. Littons, near East Bernstadt, and one across the said roads at the lower end of H. C. Eversole's farm, and one on said road leading to Manchester, at McWhorten's, Laurel county. Said roads must first be put in good condition, and no fees shall be charged on said roads until the judge of the Laurel county shall, by an order of court, declare that travel over the same is safe.

§ 2. *Be it further enacted.* That the county court shall have power to fix the rate of toll on said road to be charged and collected at each gate; said rate to be fixed by an order of the county court.

§ 3. *Be it further enacted,* That if any person shall surround any one of said gates with the view or for the purpose of avoiding the payment of his toll, he shall be charged with the toll, and it may be collected by as other debts are collected.

§ 4. If any person shall attempt, by force, to pass through any one of said gates, or shall, by force, pass through the same without first paying his toll, he shall be fined not less than ten nor more than fifty dollars for each offense.

§ 5. The proceeds arising from tolls collected under this act shall be used and applied to the purpose of keeping said road in good repair.

§ 6. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1555.

AN ACT to incorporate the Cumberland River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers. § 1. That H. F. Finley, A. Gatliff, J. W. Siler, J. T. Freeman, H. C. Harman, S. Stanfill, William Ellison, Sr., J. F. Snyder, R. Bird, and R. H. Early, and their successors, be, and they are hereby, created a body-corporate, with perpetual succession, with power to contract and be contracted with, sue and be sued; to acquire and hold personal and real estate, and sell the same when necessary for the advancement of the purpose of the corporation, and to be known as "The Cumberland River Bridge Company."

Business, class of § 2. The business of said company shall be the erection and maintenance of a bridge for footmen and wagons across Cumberland river, from some point in the town of Williamsburg to opposite side of said river. Its principal place of business shall be at Williamsburg, Kentucky.

Capital stock. § 3. The capital stock of said company shall be thirty-five thousand dollars, divided into fourteen hundred shares of twenty-five dollars each, which shall be issued as same may be needed, and subscribed and paid for at such times as the board of directors may prescribe; it may take in payment of stock any sort of real or personal property, and dispose of the same for the benefit of the company.

Limit of indebtedness. § 4. The said company shall at no time owe a greater indebtedness than the amount of its capital

stock, and to that extent may mortgage any property it may own.

§ 5. Said company is authorized to erect bridges ^{Toll.} across Cumberland river as prescribed in section 2, and may charge toll on the same for crossing, not exceeding the following rates: For foot passengers, five cents each; one-horse vehicles, ten cents each; two-horse vehicles, fifteen cents each; other vehicles, twenty cents each. For sheep and hogs, two cents each; for cattle, horses and mules, four cents each.

§ 6. Said company is hereby authorized to use for ^{Condemnation.} approaches any county roads already established, and if necessary to use for that purpose may buy lands, and if they can not agree with the owner thereof may condemn the same, as by law lands are now condemned for public roads, provided said company shall pay all cost of such proceeding and damages assessed therein.

§ 7. Said company shall keep any bridge it may ^{Damages.} erect in repair and safe for travel, and be responsible to any one aggrieved thereby for any damage sustained by reason of its failure so to do.

§ 7. The affairs of said company shall be managed ^{Affairs by whom managed.} by a board of directors not exceeding ten, a majority of whom shall constitute a quorum, a president, vice-president, secretary and treasurer, and such other officers as may be provided for in the by-laws.

§ 8. Said board of directors may from time to time ^{By-laws.} enact all necessary by-laws not in conflict with the laws of the United States or this State.

§ 9. That the incorporators herein named, or such ^{First board of directors.} of them as agree thereto, shall constitute the first board of directors, and may organize at any time hereunder by the said corporators electing officers and accepting this charter.

§ 10. That upon organizing, the said board of directors may open books and receive subscriptions ^{Subscription books.} to the capital stock of said company, and issue certificates therefor, transferable as may be provided in

the by-laws: *Provided*, That said company shall not commence business until fifteen thousand dollars of the capital stock shall be subscribed.

§ 11. Should the county court of Whitley county, Right of county to purchase. at any time within three years after the building of said bridge, desire to purchase the bridge, so as to make the same free for the use of the public, without charge of toll, the said company shall sell the same to the county court for the amount which has been paid by said company in building and repairing the same, and interest thereon at the rate of six per cent. per annum from the time the same was paid out until paid by said county. That if said bridge shall be so purchased by said county, the same shall be kept in repair and forever free to the use of the citizens of Whitley county.

§ 12. The private property of the stockholders shall Exemption of private property. be exempt from the debts of said company, except to the extent of unpaid subscriptions to the capital stock.

§ 13. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1556.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Louisville," approved March 24, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the city of Louisville," approved March 24, 1882, be amended by adding thereto as follows, to wit: Whenever any land within the territory assessable for the improvement of any public way, the construction or reconstruction of any sidewalk or pavement, or the digging or walling of any public cistern or well, is a cemetery, the owner thereof shall

be responsible for the amount assessable against said land, and a judgment may be had and enforced for said amount as for other debts.

§ 2. A lien shall also exist for the whole amount assessable against said land for said improvement upon any of such land as is not actually occupied by graves; said lien to be enforced as provided in this act as amended.

§ 3. If the whole or any of said amount can not be made out of the owner of said cemetery by the means above provided, the same shall be paid by the city of Louisville.

§ 4. This act to take effect from its passage.

Approved May 4, 1888.

CHAPTER 1558.

AN ACT to incorporate the Cumberland Gap and Mississippi Valley Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph F. Foard, Edward P. Campbell, Incorporators. Samuel J. Keith, James D. Russell, William M. Duncan, Lucian Jones, William Morrow, Henry H. Abernathy, Charles E. Hoge, Charles F. Jarrett, Horatio P. Mason, Joseph I. Landes and Hunter Wood, be, and they are hereby, appointed commissioners and corporators, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of the Cumberland Gap and Mississippi Valley Railroad Company, which is hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the time and places of opening the same as they may deem proper.

Business.

§ 2. That the said railroad company is hereby authorized and empowered to construct a railroad and operate the same, with single or double track, and such turn-outs and switches, and of such width of gauge, as the directors may deem proper, from some point in Kentucky on the Mississippi river ; thence to or near Mayfield, in Graves county ; and from thence by the most direct practical route through or near Hopkinsville, in Christian county, to a point at or near Cumberland Gap, on the Tennessee State line ; but it is not intended hereby to control said company as to the point along said route at which it may begin the construction of said railroad. Said railroad company shall also have the right to construct and operate a branch road, from some point on their said main line to the dividing line between Kentucky and Tennessee, in the direction of the city of Nashville, in said last named State.

Capital stock.

§ 3. That the capital stock of said Cumberland Gap and Mississippi Valley Railroad Company shall be ten million dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation ; and as soon as fifty shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Cumberland Gap and Mississippi Valley Railroad Company ; and by that name shall be capable of purchasing, receiving by gift or as payment for stock, holding, selling, leasing and conveying real estate and personal property, so far as the same may be necessary for the purpose of this corporation, and shall have perpetual succession ; and by said corporate name may sue and be sued, contract and be contracted with ; and may have and use a common seal, and alter and renew the same at pleasure ; and shall have and enjoy all the privileges which other corporate bodies may lawfully have.

§ 4. That there shall be paid, at the subscribing for

stock in said company, to the commissioner or commissioners receiving such subscriptions, the sum of ^{First payment of stock.} five dollars on each share, to be paid in money or in a note or notes negotiable and payable to some one or more of said commissioners, at not more than sixty days, at some bank in this State; and the residue thereof shall be paid in installments, at such times as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors, by publication in some one or more papers published in the counties through which the road passes, nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company should require more money than can be demanded of the stockholders, as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow on the credit of said company a sum not exceeding one hundred thousand dollars; and if any subscribers shall fail to pay any installment or part of an installment of said subscription when demanded, according to the provisions of this section, the same may be recovered by an action in the name of said corporation against such delinquent subscribers before any court having jurisdiction of such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of an installment of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company, and may, if they think proper, sink it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture on such terms as they may think proper: *And*

provided further, That it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts well secured, to build such parts of the road, or to perform such work or furnish such material as may be accepted by the company.

Begin business. § 5. That when fifty shares of said stock shall have been so subscribed for, said commissioners, or a majority of them, shall call a meeting at such time and place as a majority of them shall designate, and at such meeting said commissioners shall lay the subscription books before the subscriber then present, and thereupon said subscribers, or a majority of them then present, shall have power to elect seven directors to manage the affairs of said company ; and these seven directors, or a majority of them, shall have power to elect a president of said company, either from among the directors or any other stockholders, and to allow such compensation for his services as they may think proper ; and in such elections, and on all other occasions, when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter ; and any stockholder may, in writing, depute any other person to act as proxy for it, him or her ; and said commissioners aforesaid, or any three of them, shall be the judges of said first election.

Election of directors. § 6. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually, on the first Tuesday in June of each year, at such place as the president and directors may appoint, by the stockholders of said company : *Provided*, That the president and directors may change the time and place of holding elections, upon publishing such changes not less than thirty days prior to the elections, in the newspapers published in the counties through or into which said road may pass, and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president of said company, either from

among themselves or other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, refusal to act, of any president or director before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors; and all the elections which are by this act, or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made at any time thereafter, upon thirty days' notice published in the papers aforesaid.

§ 7. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning one-fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if, at any such called meeting, a majority in value of all the stockholders are not present or by proxy, the same shall be adjourned from day to day, without transacting any business, for any time not exceeding five days; and if, within five days, stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

Meetings of
stockholders.

§ 8. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that at any called meeting of the stockholders, a majority in value of the holders of the stock subscribed being present, may demand and require simi-

Exhibit.

lar statements from the president and directors, whose duty it shall be to furnish statements when so required; and that at all general meetings of the stockholders a majority of them in value may remove from office the president, or any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

Oaths.

§ 9. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority in value of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall ~~have the power~~ to appoint or elect a ~~treasurer~~ of said company, and to require and take of him a bond, in such penalty and with such security as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such money as may come to his hands, and with such other conditions as may be prescribed, upon which bond recovery may be had for a breach of the conditions thereof, by suit in the name of the company, in any court having jurisdiction.

Unpaid subscriptions

§ 10. That if any of the stock authorized by this act shall remain unsubscribed until the election of president and directors, as provided for in this act, the said president and directors, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed for, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of such stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

Officers.

§ 11. The said president and directors, or a majority of them, may appoint all such officers, agents or servants, as they may deem expedient for the business

of the company, and may remove them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employes; that they shall have power to erect warehouses, work-shops, or other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, The same shall not be contrary to the Constitution and laws of the United States or this State.

§ 12. That if the capital stock of said company Capital stock. shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same as much as they may deem necessary, not exceeding the sum of twenty million dollars, giving notice as hereinbefore required.

§ 13. That the president and directors of said com- Powers. pany are hereby vested with all powers and rights necessary to the construction of said railroad, along such route as may be selected by the president and directors; and that they may cause to be made contracts with others for making said road, or any part of it; and that they, their engineers, etc., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses, or other structures or works necessary and convenient to said road, or for its uses, or for any other purpose necessary or useful in the construction or repair of said road or its works or appurtenances; and they may build bridges and construct tunnels: *Provided*,

Such bridges shall not obstruct navigation on any navigable stream ; and may fix scales and weights, take and use timber, earth, gravel, stone, and other material necessary or useful in the construction or repair of said road.

§ 14. That the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements, which may be wanted for the construction or repair of said road, or any of their works, for the purchase or the use and occupation of the same ; and if they can not agree, and the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie or be situated, the company may proceed to condemn same according to the laws in such cases made and provided: *Provided*, That land condemned for road-way shall not be more than one hundred feet wide.

§ 15. That whenever it shall be necessary for said company to have, use or occupy any lands, material or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed as hereinbefore prescribed ; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest ; and the inquest of the jury, after the payment and tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

County aid. § 16. That whenever the said Cumberland Gap and Mississippi Valley Railroad Company shall request the county court of any county through or adjacent

to which it is proposed to construct said road to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may, in its discretion, order an election to be held at the several voting places in said county, on a day to be fixed by the court, not earlier than twenty days and not later than sixty days after making such order, and shall appoint judges and other officers necessary to hold said election: *Provided*, That a petition, signed by at least fifty legal voters and tax-payers of said county to the same effect, is presented to the court with said request.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the other officers appointed fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

§ 18. That the persons acting as sheriffs at the several precincts shall return to the clerk of the county court, within three days after the day of such election, the poll-books of their respective precincts; and on the third day thereafter the county judge and county clerk shall count the vote, and if it shall appear that a majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county on the terms specified in the order submitting the question to a vote.

§ 19. That whenever the said railroad company shall request the county court of any county to do so, it shall be the duty of such court to submit to the qualified voters of any designated precincts in said county the question whether the court shall subscribe to the capital stock of the said Cumberland Gap and

Mississippi Valley Railroad Company, on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company: *Provided*, Said request is signed by at least twenty legal voters and tax-payers of said district. Said election shall be held on a day to be fixed by the court, not less than thirty or more than sixty days after the order is made, and shall be conducted by officers appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner as prescribed in section 18 of this act. If a majority of all those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

City ald.

§ 20. That whenever the city council of any city or the board of trustees of any town, into or near to which it is proposed to construct said Cumberland Gap and Mississippi Valley Railroad Company, shall be requested to do so by said company and twenty-five legal voters and tax-payers thereof, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than sixty days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company, and on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city, or pres-

ident of the board of trustees of such town, shall make the subscription in accordance with the vote.

§ 21. That if any county, city or town shall sub-^{Duty of county and city officers.}scribe to the capital stock of said Cumberland Gap and Mississippi Valley Railroad Company under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city or town, in denominations of not less than one hundred or more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city or town; the bonds of the counties to be signed by the county judge, and countersigned by the clerk, and the coupons to be signed by the clerk alone; the bonds of cities subscribing such shall be signed by the mayor, and countersigned by the city clerk or auditor, and the coupons to be signed by the city clerk or auditor alone; the bonds of towns subscribed shall be signed by the president of the board of trustees, and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of New York not more than thirty years from their date, and shall bear interest at a rate not greater than seven per cent., payable semi-annually in the city of New York.

§ 22. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, said subscriptions shall be made payable in money in three annual installments, the first to be due in not less than one year from the date of said subscription, and it shall be the duty of the county court of such county to cause to be levied and collected on the property subject to taxation for State revenue in such district a tax sufficient each year to pay the installment then due, and said tax shall be collected by the same officers and in the same manner that the taxes im-

posed under this act to pay a county subscription are required to be collected.

§ 23. That in case any county, city or town shall subscribe to the capital stock of said Cumberland Gap and Mississippi Valley Railroad Company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax on all the real estate and personal property in said county, city or town, subject to taxation under the revenue laws of the State, including the amount owned by the residents of such county, city or town, which ought to be given in under the equalization laws.

§ 24. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, or to pay the subscription of any civil district, or of any city or town, it shall be the duty of the county court, city council or town trustees making such levy, to appoint three resident tax-payers of such county, or part of a county, city or town, who shall be styled the board of commissioners of the sinking fund of such county, part of a county, city or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties, according to the best of their skill and judgment. They shall hold their office at the pleasure of the court, council or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond payable to the Commonwealth, with such security as shall be approved by the court, council or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming

to his hands as treasurer of such board, on which bond suit may be brought from time to time, by and in the name of such county or part of a county, city or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required at any time to give a new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties, guardians, administrators, etc. Said treasurer shall be allowed for his services such compensation on the money received and paid out by him as may be allowed by the court, council or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council or trustees by whom such board was appointed.

§ 25. That taxes levied under the authority of this Sheriff. act in any county or part of a county, shall be collected by the sheriff of such county; and the taxes levied in any city or town shall be collected by the officer of such city or town who is, by law, the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such securities as may be appointed by the county court; and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 26. That sheriffs and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be

Powers of collecting officers.

unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed, which shall lie in the county in which said tax is levied; but the owner of any real estate sold may redeem the same at any time within five years after such sale by paying the purchase money and ten per centum per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten per cent. per annum thereon.

§ 27. That sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen years on paying the purchase money and six per cent. per annum thereon, and other taxes paid by the purchaser and six per cent. per annum thereon.

§ 28. That sheriffs and other officers collecting taxes under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 29. That one-half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty days after the same is placed in his hands,

and the residue within six months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act for thirty days after the tax is levied, he shall forfeit his office, and the court, city council or board of trustees levying such tax may appoint a collector, who shall execute bond with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

§ 30. That if any sheriff or collector or other officer having in his hands for collection taxes levied under this act shall fail to collect and pay over the same within the time prescribed, such sheriff, collector or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be repleviable, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 31. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city or town, or to the payment of the subscription of any such district. They shall, whenever a dividend is declared by said Cumberland Gap and Mississippi Valley Railroad Company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par, or less than par; and if they can not be purchased at par they shall invest such surplus

Sinking fund
commissioners.

in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy and pay off bonds.

§ 32. That all dividends which shall be received upon the stock held and owned by any county, civil district, city or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 33. That in case the dividends upon the stock held and owned under this act by any county, or of the subscription of a district, city or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council or town trustees, at least five years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owning such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest and secured in all respects as the bonds first issued are secured, and sell such bonds or exchange them for the old ones: *Provided, however,* That if any county court, city council or town trustees, shall deem it expedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by sale of new bonds, it shall be the duty of such county court, city council or town trustees to cause a tax to be levied and collected on all the property in such county, city or town, which by the provisions of this act is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be

collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 34. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of a county, city or town, issued under this act, in or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city or town, to the amount of the tax paid, upon delivery to the said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars.

§ 35. That the commissioners of the sinking fund shall keep an exact record of all their actions and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

§ 36. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities and towns may be entitled, in any meeting of the stockholders of said Cumberland Gap and Mississippi Valley Railroad Company: *Provided*, That if neither of them shall attend, then any person, duly authorized by any two of said commissioners, may cast the vote as proxy for said commissioners.

§ 37. That the president and directors of said Cumberland Gap and Mississippi Valley Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water stations, and so forth, not exceeding forty thousand dollars (\$40,000) per mile of said road.

§ 38. That said company may, a majority in value of its stockholders concurring therein, sell its said road, or part of it, to any other company or corporation authorized by law to own and operate a railroad, or may buy any other such road or part of a road, or may make a lease of its road, or take a lease of another, or make any contract for the running and operating or consolidating of its road with any other.

Powers to sell or
consolidate.

§ 39. That said railroad company may receive donations of land or personal property, to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscription, to be paid in land or other property, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents, and the subscriber; and may lease, or sell and convey, any land or other property so given and subscribed.

Receive dona-
tions.

§ 40. That the railroad company may issue and sell the bonds of said company, of denominations varying from one hundred to one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding twenty thousand dollars for each mile of said road, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

Bonds.

§ 41. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage, or deed of trust, conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 42. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed

by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the court where such proceeding is had. Such foreclosure shall not take place until ninety (90) days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York and Louisville. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of the bond-holders, shall be vested with all the rights, privileges, franchises and immunities of the corporation.

§ 43. That to create and secure a fund for the final redemption of the mortgage bonds issued under authority of this act, a sinking fund shall be created by the said company, and in order to create such sinking fund said company shall, at the time of declaring the first cash dividend, ascertain, as near as possible, what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be used for no other purpose. That the company may loan and re-loan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating such fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 44. The said company, in constructing its said railroad, shall have the right to erect and maintain bridges on all streams over or across which its said line may pass, and may, for the purpose of securing the funds necessary to build such bridges, issue and sell a sufficient amount of stock and bonds to pay for same, which shall be known and designated as the bridge stock and bonds of the Cumberland Gap and Mississippi Valley Railroad Company; and said bonds may be of the denominations and character of the bonds provided for in the foregoing sections, and may bear a like rate of interest and be secured by a special mortgage upon said bridges, which shall have priority as to the property embraced over the mortgages provided for in said sections; and in order to pay said bonded indebtedness, and pay a dividend not exceeding six per cent. per annum on said bridge stock, the said railroad company may set apart a reasonable percentage of the annual earnings of said railroad company.

Begin work.

§ 45. The said Cumberland Gap and Mississippi Valley Railroad Company shall begin the construction of said road, in good faith, within three years from the time this act is approved, and complete the same within five years thereafter; and if the said company should fail in this, their charter herein granted shall be forfeited: *Provided*, That should said company construct any part of its said line, it shall have the right to run and operate that part so completed, with all the rights and privileges herein granted, and only their right to further construct said road shall be forfeited.

§ 46. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1559.

AN ACT to incorporate the Ironside Bank of Smithland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. W. Stewart, D. A. Dunn, J. W. Bush, David Adams, H. H. Duley, Francis Ford, of Cincinnati, Ohio; and W. C. Watts, of Memphis, Tennessee, and their associates and successors, be and they are hereby, created a body-politic and corporate, under the name and style of the Ironside Bank of Smithland, Kentucky, and shall continue until the first day of January, 1908; and by the said name are hereby made capable in law to hold and convey real estate for the following purposes: First, such as shall be necessary for its immediate accommodation in the transaction of its business. Second, such as shall be mortgaged to it in good faith by way of security for debt. Third, such as shall be conveyed to it in satisfaction of debts in the course of its dealings. Fourth, such as it shall purchase at sales under judgments, decrees, or mortgages held by it, or shall purchase to secure debts due it; and provided, that no real estate conveyed to or purchased by it in satisfaction of any debt, judgment, or decree, shall be held for a longer period than five years; and to have and hold goods, chattels, public and private securities of any kind, quality and nature whatever; and to sue and to be sued, plead and be impleaded, in any court of record in this Commonwealth or in any other place whatever; and to make and use a common seal, and the same to break or alter and renew at pleasure; also to ordain, establish and put in execution and amend such by-laws as may be necessary and convenient for the government of the said corporation, not contrary to the laws of the Commonwealth.

Names of incorporators and corporate powers

§ 2. The said corporation may deal in and receive

Deposits and
class of business.

on deposit gold, silver, bank notes and other currency, and may purchase and discount promissory notes, bills of exchange, bonds and other evidences of debt. Promissory notes made negotiable and payable at its banking-house, or at any other banking institution, and discounted by said corporation, and also inland bills of exchange, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against makers, guarantors, assignors, drawers, acceptors and indorsers.

Capital stock.

§ 3. Capital stock of the corporation shall consist of two hundred thousand dollars, in two thousand shares of one hundred dollars each, with the privilege of increasing the same, with the concurrence of the owners of a majority of the stock, and the president and directors, to a sum not exceeding four hundred thousand dollars, by sale of additional shares of one hundred dollars each, on such terms and in such manner as the president and directors may direct.

Subscription
books.

§ 4. The corporators named in this act, or a majority of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books of subscription for two thousand shares of the capital stock of said corporation, and when the said number shall have been subscribed for, the books shall be closed, and thereafter notice shall be given by ten days advertisement in two of the daily newspapers in the city of Paducah, for a meeting of the subscribers at Smithland, at which meeting one hundred dollars in money shall be paid upon each share subscribed for, and the bank be organized. If any of the corporators named in this act shall fail to subscribe for stock when the books are opened for subscription, they shall cease to be corporators; and if any person subscribing for shares in said bank shall fail to pay one hundred dollars for each share subscribed at the time and place such payment is to be made according

to notice, his claim shall be considered void, and his name shall be stricken from the list of subscribers.

§ 5. There shall be, as soon as practicable after the Election of directors. books of subscription are closed, an election for a board of directors, to consist of nine share-holders, which directors shall be elected by a majority of shares voting at such an election, either by the person holding the shares or by proxy; and they shall serve until the second Monday in January next ensuing. On every second Monday in January thereafter a new election is to take place in like manner, and the directors so elected shall serve until their successors are elected and have been qualified.

§ 6. No share-holder, however, shall be eligible for Eligibility of directors. the office of director unless he is the bona fide holder of ten shares in his own name of said stock, free from all lien or incumbrance.

§ 7. The directors of the said company shall then Organization. organize by the election of one of their number as president, to hold office until his successor is elected and qualified. The president and directors shall elect such officers and agents as may be necessary for the business of the bank, fix their salaries and prescribe their duties; and may require from any officer, clerk or agent, bond, with security, in such sums as they may deem adequate. The salary of the president shall be fixed by the directors. A majority of the whole number of directors shall be a quorum for the transaction of business, and their regular meetings shall be held on each and every Friday. At each regular meeting a statement of the affairs of the bank and its business for the preceding week shall be exhibited; and if, at the regular meeting held on the last Friday in the month of April and October of each year, it shall appear that any profits have been made during the preceding six months, then the president and directors shall declare a dividend of such portions thereof as they may deem expedient.

§ 8. The form of certificate of stock and the manner

Certificate of
stock, form of.

of transferring the same shall be fixed in the by-laws of the bank.

Location of bank

§ 9. The office for the transaction of business of the bank shall be in the town of Smithland, Livingston county, Kentucky.

§ 10. The General Assembly reserves the right to modify or amend this charter at pleasure.

§ 11. This act shall take effect from its passage.

Approved May 4, 1888.

CHAPTER 1560.

AN ACT to incorporate the Deposit Bank of Beattyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creating style
and capital stock

§ 1. There is hereby established a bank in the town of Beattyville, in Lee county, Kentucky, to be styled the "Deposit Bank of Beattyville, Kentucky," with a capital stock of thirty thousand dollars, in shares of one hundred dollars each, par value, which may, by the consent of the owners of a majority of the shares of stock aforesaid, be increased to fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Beattyville Deposit Bank," and may so continue for thirty years from its organization. But the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of

a natural person in contracting and being contracted with, in suing and being sued by the name aforesaid, in all places and courts whatsoever; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of the following-named persons as directors, namely: A. B. Hampton, C. B. Hill, H. T. Glenn, R. C. Hill, J. E. Abraham and David Price, who shall hold their offices until the second Tuesday in January, 1889, and until their successors are elected and qualified. Each director hereinafter elected shall be a stockholder, and after the first election, which shall be held on second Tuesday in January, 1889, they shall be chosen on second Tuesday in January of each year, or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices for one year, or until their successors are elected and qualified. They shall appoint one of their number president, and may if they desire, and think best and necessary, at any time appoint also from their number a vice-president, who shall hold his position at the pleasure of the board of directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for as many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell; shall declare dividends, appoint such officers, agents or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; shall prescribe

such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney; the stock shall be personal property. The number of directors to be elected in January, 1889, and each year thereafter, shall be not less than five nor more than nine, the number to be hereafter determined by a vote of the stockholders.

Names of com-
missioners.

§ 4. J. B. Hampton, C. B. Hill, H. T. Glenn, R. C. Hill, J. E. Abraham and David Price, are hereby appointed commissioners, any three of whom may act; and may open books of subscription to the capital stock of the corporation as soon as shares to the amount of twenty thousand dollars have been already subscribed; said commissioners shall transfer said subscriptions to said books to be opened by them, and shall give notice thereof in one or more newspapers, and shall, in said books, enter the names of the subscribers, and amount of stock subscribed, and amount of stock subscribed for by each of them. The payment for the shares subscribed shall be made in such installments or at such times as the board of directors may order; and when ten thousand dollars shall have been paid in, the bank may begin business.

Deposits and
class of business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871; and such disposition shall pass a valid title to the same; may receive deposits from minors and married

women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it; and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly or severally, against the drawers, acceptors and indorsers thereof.

§ 6. The bank may acquire, hold and use all such Real estate. real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, but shall sell and convey the latter within five years. The board of directors may make all needful by-laws for the government of said bank, not inconsistent with law.

§ 7. The private property of stockholders shall not Exemption of private property. be liable for the debts of the corporation. The indebtedness of the bank, other than for the general deposits, shall at no time exceed the amount of its paid-up capital.

§ 8. Before entering upon their duties, the president, Oaths of officers. directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties imposed upon them under this charter, and that they will not sanction or permit any violation of it; and should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 9. Nothing in this charter shall be construed to Shall not issue currency. allow the bank to issue any note or bill to pass or circulate as money.

§ 10. The officers, agents or servants of said bank, Terms of office. appointed by the board of directors thereof, shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time, with or without cause.

§ 11. All elections provided for by this charter shall ^{Place of election} be held at the banking-house of said corporation, in such manner and by such officers as may be determined upon by the board of directors, and the result of such election shall be declared in the manner and by the persons selected by said board.

§ 12. The General Assembly shall have the right to examine the affairs of the bank by any committee, officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 13. This act shall take effect and be in force from and after its passage.

Approved May 4, 1888.

CHAPTER 1563.

AN ACT to amend the charter of the Union County River Bottom Land Fence Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. No horses, mules, cattle or hogs shall be allowed to run at large or be herded on the common inclosure, except such mules, horses or oxen actually used by landlords and tenants in cultivating land within said inclosure, and such milk cattle as are used by said landlords and tenants for family purposes.

§ 2. Any of said landlords or tenants shall have the right to take up and impound any stock put on said inclosure in violation of this act.

§ 3. Any person violating this act shall be subject to a fine ; said fine to be estimated at five dollars per week for each head of stock put on said inclosure in violation of this act, to be recovered by a warrant, in the name of the Commonwealth of Kentucky, before any magistrate having jurisdiction.

§ 4. All laws in conflict with this act are hereby repealed.

§ 5. This act shall take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1565.

AN ACT authorizing the commission of the Deaf and Dumb Institute, at Danville, by and with the consent of the trustees of Danville, to close so much of Short street, in said town, as extends from Second to Third street, in said.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Deaf and Dumb Institute, at Danville, be, and they are hereby, authorized, by and with the consent of the trustees of said town, to close so much of Short street, in said town, immediately south of said Institute, as extends from Second to Third street, in said town.

§ 2. This act to take effect from and after its passage.

Approved May 4, 1888.

CHAPTER 1566.

AN ACT to incorporate the Blue Grass Canning Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. W. Bryan, Chas. W. Howard, M. H. Current and Joseph A. Miller, their successors and assigns, are hereby created a body-corporate and politic, with perpetual succession, by the name and style of the Blue Grass Canning Company; and by that name may contract and be contracted with, sue and

be sued, plead and be impleaded, answer and defend, in all courts and places as natural persons ; to have and use a common seal, and alter the same at pleasure ; and to conduct its business and execute contracts in relation thereto not inconsistent with the Constitution and laws of this State or of the United States.

Business.

Place of business.

Management.

§ 2. The business of said corporation shall be the growing of fruits and vegetables, their preserving and canning, at or near Millersburg, Kentucky ; and as incident to said business, it may purchase real estate, machinery, and build and erect factories, warehouses and other buildings, and improve the same, and do all and every act incident to or convenient in prosecuting the business of producing or procuring fruits and vegetables, preserving, canning and transporting same, and in shipping and selling such goods. The chief place of business shall be in Bourbon county, Kentucky, in or near Millersburg. The business of said corporation shall be managed and controlled by not less than three nor more than five directors, to be chosen by a majority in interest of the subscribers for stock or holders of stock in said corporation, each stockholder and subscriber for stock being entitled to one vote for each share of stock subscribed for or held in said corporation, which may be cast in person or by proxy ; and one of said directors shall be chosen president of said board, who, when elected, shall be the chief executive officer of said corporation, and shall preside at the meetings of the board of directors, and shall give the casting vote in case of an equal number of votes cast by the directors in any matter before the board. The directors shall be residents of Bourbon county, Kentucky, and shall be stock subscribers for, or stockholders in, said corporation. Neither the stockholders nor their individual property shall be liable for the debts, contracts, obligations, or liabilities of said corporation. The capital stock shall not exceed one hundred thousand dollars, to be divided

into shares of fifty dollars each ; but said corporation may organize and commence business when as much as ten thousand dollars shall have been subscribed for by individuals or corporations ; and the president and directors may, from time to time, open books and receive subscriptions for stock, or issue on said stock not to exceed one hundred thousand dollars.

§ 3. Any one or more of the corporators herein named are authorized to open books and receive subscriptions to the capital stock in said corporation, and the form of the subscription shall be in substance an agreement by the subscriber to pay for the number of shares set opposite his name at the rate and price of fifty dollars per share, to be paid when required to be paid by the president and directors of said company : *Provided*, That not more than ten dollars on the share of fifty dollars shall be required to be paid in any one month after subscription ; and the said corporation may, by suit, recover from the subscribers any sum which may become due on subscriptions according to the provisions of this act ; and on trial, if it shall appear in evidence that other installments have become due from such subscriber according to the requirements of the president and directors under this act, after the commencement of the suit, the whole amount so appearing due at the trial shall be recovered, and in addition to the amount due, there shall also be recovered interest from the time it should have been paid, and also the reasonable attorney's fees paid or payable for the prosecution of said suit ; and as a further means of enforcing payment of subscriptions, the president and directors may cancel the stock of any one who has made no payment thereon, or who fails or refuses to pay, or they may authorize the treasurer of the company to sell the stock of any one failing or refusing to pay an installment thereon, for cash, after ten days public notice, and appropriate the amount bid to the payment of sums already due and thereafter to become

Books of subscription.

due; and may afterwards sue and recover any balance which may become due on calls made by the president and directors; and the treasurer is authorized to transfer any stock so sold for unpaid subscriptions.

Organize.

§ 4. At any time after the amount of stock shall have been subscribed, as provided in the second section of this act, any two of the corporators herein named may, ten days after notice by them shall have been published in a newspaper in Bourbon county, designating the time and place of meeting, hold an election for directors, as herein provided, and their certificate, to be entered in the books of the corporation, shall be conclusive evidence of the election of the directors therein certified; said directors shall hold their office until the second Monday in January next thereafter, and until their successors shall have been elected; and after the first election, the election for directors shall be held on the second Monday in January in each year thereafter, at such place and by such persons as the president and directors may designate. The president and directors may ordain such by-laws as they may deem proper for the government of the corporation and the dispatch of business as they may see fit, not inconsistent with the provisions of this act. They may also appoint a secretary, a treasurer, and such agents and superintendents as they may deem prudent to appoint; and may require of each, or any of such officers or agents, such bonds and securities as they may deem proper to secure a faithful performance of their respective duties. The president and directors, or any five of the stockholders, may, at any time it shall be deemed proper, call a meeting of stockholders to consider any question of general interest to the stockholders; and when met, each stockholder shall have a vote for each share of stock, to be cast by proxy or in person.

§ 5. The corporation shall have a prior lien on the

stock of each share-holder for any indebtedness of Lien on stock.
his to the corporation, and the stock shall only be transferable on the books of the corporation in person or by attorney in fact.

§ 6. The county court of Bourbon county, and the Exemption.
trustees of the town of Millersburg, shall have the power, at their discretion, to exempt the property of said corporation from the payment of county and town taxes for a period not exceeding fifteen years.

§ 7. The said company shall have power to do all acts which like corporations usually do, which are incident to the business for which this corporation is created.

§ 8. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor May 4, 1888.]

CHAPTER 1568.

AN ACT for the benefit of J. R. Witty, committee for Mary E. Jobe, a pauper idiot, of Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for seventy-five dollars, in favor of J. R. Witty, committee for Mary E. Jobe, a pauper idiot, of Metcalfe county, the amount being for the time intervening between November 11, 1882, to May 22, 1885, at the rate of seventy-five dollars per year.

§ 2. This act to take effect from and after its passage.

[Became a law without approval of Governor May 4, 1888.]

CHAPTER 1570.

AN ACT to incorporate the Licking Iron Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators.

§ 1. That Theodore A. Dodge, Philip N. Moore, Samuel J. Fearing, Frederick A. Heath, J. A. J. Lee, and their associates, successors and assigns, who may become stockholders, be, and are hereby, created a body-politic and corporate, of the name and style of the Licking Iron Railway Company, and by that name shall have perpetual succession, with power to sue and be sued ; to own property, both real and personal ; to engage in the mining of coal, iron and other minerals, and the manufacture of iron or steel for the market in all its branches, and the transporting and selling them within and without this State, and to do all other acts and have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted ; and said corporation may have and use a common seal, and set aside and renew or alter the same at pleasure ; and by said corporate name may contract and be contracted with ; and by that name shall have, and are hereby invested with, all powers, privileges, immunities and franchises of natural persons.

Capital stock.

§ 2. The capital stock of said company shall not exceed three million dollars, divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned and controlled by individuals in and out of this State, and railroad and other corporations in Kentucky and elsewhere.

First board of directors.

§ 3. The incorporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said incorporators, or a majority of them, shall meet at such time and place as they may

agree upon and designate, and from their number, or from such persons as they may associate with them, choose a president and appoint such other officers and agents as may be necessary ; they shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, as may be needful and proper, and alter, amend or repeal the same at will.

§ 4. The incorporators, or the first board of directors, By-laws. shall provide in the by-laws for the annual election of directors, five in number, who shall be stockholders of said company, and shall fix the time and place and determine the manner of the first and succeeding elections of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified, which board of directors may fill any vacancies in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 5. At the elections of directors, and all other meet- Elections. ings of the stockholders of said company, the stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for the annual meetings of stockholders, and such called meetings as are necessary.

§ 6. The president and board of directors shall have Management. the management and control of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensation, and take from any one of them bond, with surety, for the faithful performance of his duty.

§ 7. It shall be lawful for the president and directors Books of sub-
scription. of said company to open stock books for subscription to the capital stock at such times and places, and to continue them open for such length of time, as may be

necessary; and no board of directors other than the incorporators named in section first shall be elected, nor shall any business be transacted under this charter, until at least twenty-five thousand dollars have been subscribed to the stock of this company, and paid in cash. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered in such manner and at such places as may be ordered and provided by the laws of said company.

Business.

§ 8. The said Licking Iron Railway Company shall be, and are hereby, authorized to locate, construct, build, and complete a railway, with such lines of telegraph, switches and branches, no one of the latter exceeding ten miles in length, as said corporation may desire; and for that purpose shall be entitled to acquire a continuous line of one hundred feet in width of land, with such additional ground as may be necessary for the use of said railway, from a point on the Elizabethtown, Lexington and Big Sandy Railroad, in Bath county, by the most acceptable and satisfactory route, to the Ohio river, at some point in Mason or Bracken county; and to construct, build and furnish the said railway with all necessary side-tracks, switches, depots, stations, buildings, and structures for the convenient working of said railway and carrying on of its business, and with all the rolling stock of every sort and kind, and with all other machinery, implements and property the said company deem necessary and proper for the prosecution of its business; and the said company shall have power to operate and maintain the same; and for said purpose said company, in its corporate capacity, is hereby invested with all the powers necessary for the purchasing, acquiring title to, holding, selling, and conveying and transferring all real, personal and mixed property the said company may deem necessary for the carrying out of the objects of this act, to the same extent as any natural person or persons.

§ 9. The said Licking Iron Railway Company may Lands, etc. buy, lease or rent any suitable lands, timber, mines, mining privileges or rights of way; and may erect, in Bath or other counties of the State, works for the reduction of ores, and the manufacture of iron or steel in any or all of the branches of that art.

§ 10. If, for the purpose of constructing the roads aforesaid, it be necessary to pass the lands of others, and it can not agree with such person or persons on the amount of compensation to be paid for same, then this company may condemn the same as provided by law. The principal office of said company shall be at Olympia, Bath county, Kentucky. The directors Principal place of business, shall have power and authority to locate and establish branch offices or agencies at such other places as may, in their judgment, be deemed necessary.

§ 11. The said company is hereby authorized to bor- Borrow money. row money to complete, equip, furnish, operate or maintain said railway, and to issue bonds, in amount not exceeding twenty-five thousand dollars per mile of the road, with such time to run as it may deem proper, and to mortgage its corporate property and franchises to secure the same.

§ 12. That said company may make contracts with May contract. any corporations or persons for the construction or equipment of said road and the branches thereof, or any part of the same, and pay therefor, in whole or in part, in the stock, bonds or other property of said company.

§ 13. That this company may make any contract or agreement with any railroad company with which they may connect, which they may deem proper, for running its cars and locomotives over such other road, or for such other road running its locomotives and cars over this company's road; and this company may charge such tolls and fares for traffic over its road as may be allowed by law.

§ 14. The individual property of the stockholders

of this company shall not be liable for the corporate debts of said company.

§ 15. This charter shall be deemed abandoned if an
 Begin business. organization is not effected thereunder, and work begun in good faith upon the main stem of said road within six years from the passage of this act, and the main stem be prosecuted to completion within ten years from the passage of this act.

§ 16. This act shall take effect from and after its passage.

[Became a law without approval of Governor May 4, 1888.]

CHAPTER 1571.

AN ACT for the benefit of Clint. Wallace and Frank Smedley, of the city of Paducah, in McCracken county.

WHEREAS, Clint. Wallace and Frank Smedley, of the city of Paducah, in the county of McCracken, did, on or about the 15th day of March, 1888, capture and return to the keeper of the Penitentiary one Frank Ratcliffe, an escaped convict; and whereas, they have received but fifty dollars for said work, said amount not being sufficient to pay the expense of said work; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant on the Treasurer of this Commonwealth for the sum of fifty (\$50) dollars, payable to said Clint. Wallace and Frank Smedley.

§ 2. This act to take effect from its passage.

[Became a law without approval of Governor May 4, 1888.]

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